

## **Caloosahatchee River Community Forum Interagency Coordination Meeting Summary**

April 17 2014  
Lower West Coast Service Center  
2301 McGregor Boulevard  
Fort Myers, FL 33901

**Attendees:** A list of meeting attendees can be found in Appendix A.

### **I. Overview**

This document summarizes the first interagency coordination meeting held between the key government parties involved in implementation efforts to improve the Caloosahatchee River's health related to both water quality and quantity. This meeting served primarily to introduce the issues and each agency's work as related to the Caloosahatchee watershed as well as begin discussions about prioritization criteria for projects.

### **II. Action Items**

*For the Consensus Building Institute:*

- Revise meeting protocols given comments.
- Revise the draft evaluation criteria.
- Develop draft agenda for the stakeholder workshop.
- Work with SFWMD and other participants to develop a process for involving policy makers in the project prioritization and review process.
- Create draft meeting summary of April 17 interagency meeting.
- Create draft agenda for May interagency meeting.
- Create draft meeting notice and agenda for June stakeholder forum.
- Review stakeholder list for outreach purposes.

*For the South Florida Water Management District:*

- Coordinate assembly of the joint project list (descriptive only) from the agencies present at the meeting.
- Coordinate logistics for June stakeholder forum (setting date, invitations, public notice, etc.).
- Create list of potential funding sources for implementation of projects.
- Establish website for Caloosahatchee River coordination process.

The next interagency meeting will be held on Friday, May 16, from 9:30 am to 12:30 pm.

### **III. Introductions and Purpose of the Effort**

After participants introduced themselves, Mr. Dan DeLisi of the South Florida Water Management District (SFWMD) welcomed participants and provided background information

about the effort. He explained that the current endeavor to bring together different agencies came out of an effort to develop a common vision as part of the development of the Lower West Coast Water Supply Plan in order to secure funding from the State and other sources. He explained that stakeholders suggested that the Water Management District consider the full slate of projects to improve the watershed, how to prioritize them, and how to pool the resources needed to implement the prioritized projects. He also noted that different stakeholders have articulated a variety of different messages around management of the Caloosahatchee River watershed, and that it would be helpful to develop a common message to move forward with. Mr. DeLisi also introduced Patrick Field from the Consensus Building Institute (CBI), and spoke about why it would be important to have CBI's help with facilitating the current process.<sup>1</sup>

#### **IV. Review of Scope, Process Guidelines, and Timeline**

Mr. Field, the facilitator, reviewed the agenda for the day's meeting, the draft Process Guidelines developed for the process, and the timeline for the process. Participants provided feedback and CBI will revise these documents accordingly. Participants will finalize the document at the next interagency meeting.

#### **V. Overview of the Watershed Protection Plan (WPP): current status, key project status, future plans**

Ms. Lesley Bertolotti, South Florida Water Management District (FWMD), presented an overview of the Caloosahatchee River Watershed Protection Plan. She explained that, in 2007, the Northern Everglades and Estuaries Protection Program (NEEPP) was authorized under Section 373.4595, Florida Statutes (F.S.), in response to legislative findings that the Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds are critical water resources that have been and continue to be adversely affected from changes to hydrology and water quality. The NEEPP legislation specifically called for the development of the three northern watershed protection plans: Lake Okeechobee, St. Lucie, and the Caloosahatchee.

Ms. Bertolotti explained that the Caloosahatchee River Watershed Protection Plan aims to minimize undesirable flows to the estuary and improve the quality of water delivered to the estuary, through implementation of the three major elements specified by the NEEPP legislation:

- *Watershed Construction Project:* This component identifies water quality and storage projects to improve hydrology, water quality, and aquatic habitats within the watershed. It includes regional, sub-regional, and local scale water quality and quantity projects [e.g., reservoirs, Stormwater Treatment Areas (STAs), chemical treatment, and local stormwater projects]. Ms. Bertolotti noted that projects at various stages of implementation are included in the Plan and that the projects were not prioritized.

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<sup>1</sup> The Consensus Building Institute (CBI) is a non-profit institution that works to improve the way leaders use negotiations to make organizational decisions, achieve agreements, and manage multiparty conflicts and planning efforts ([www.cbuilding.org](http://www.cbuilding.org)).

- *Watershed Source Control Program:* This program is a multi-faceted approach to reducing pollutant loads by improving the management of pollutant sources within the watershed. It comprises source control programs being implemented by the coordinating agencies including BMPs, on-site treatment technologies, stormwater and wastewater infrastructure upgrades and master planning, and regulatory programs focused on water quality and quantity.
- *Watershed Research and Water Quality Monitoring Program:* This program is intended to assess the plans, programs, and other responsibilities created by the Watershed Protection Plan. The program will also conduct an assessment of the water volumes and timing from the Lake Okeechobee and Caloosahatchee River watersheds and their relative contributions to the estuary. The primary purpose of this component is to track progress toward achieving the water quality and storage targets.

The South Florida Water Management District, the Florida Department of Environmental Protection, and the Florida Department of Agriculture and Consumer Services, collectively identified in the legislation as the coordinating agencies, developed the Watershed Protection Program in 2008 with extensive stakeholder input. The plan was released in January 2009 and an updated version was released in 2012. SFWMD is currently working on an updated version of the Plan, which will be released in 2015. The 2015 version of the Plan will be the first version to take the Department of Environmental Protection's Basin Management Action Plan (BMAP) into account.

In response to Ms. Bertolotti's comments, a meeting participant inquired whether updated TMDLs (prescribed total maximum daily load levels) that are currently being developed for the freshwater section of the Caloosahatchee River will be taken into account in the updated 2015 Watershed Protection Plan. A DEP representative noted that the Department is hoping to release those updated TMDLs in July or August, 2014. In response, a SFWMD representative stated that the timing should work such that the TMDLs could be incorporated into the 2015 update of the Watershed Protection Plan.

#### **VI. Overview of the Basin Management Action Plan (BMAP): current status, key project status, future plans**

Ms. Beth Alvi and Ms. Kimberleigh Dinkins, of the Florida Department of Environmental Protection (FDEP), presented an overview of the Basin Management Action Plan (BMAP) for the Caloosahatchee River. They stated that, in August 2009, FDEP adopted the Caloosahatchee Estuary TMDL for total nitrogen (TN). The TMDL accounts for the total load at the estuary, inclusive of loads from the upstream freshwater portions of the Caloosahatchee River as well as Lake Okeechobee, and requires a 23% reduction in this total TN load. Ms. Alvi and Ms. Dinkins noted that the majority of the loading to the impaired water bodies comes from sources upstream of the estuarine portion of the river. As such, the Caloosahatchee BMAP follows a phased approach that allows for the implementation of projects designed to achieve incremental reductions, while simultaneously monitoring and conducting studies to better understand the water quality dynamics (sources and response variables) in the watershed. The projects and other activities in the current BMAP are estimated to achieve TN reductions of

148,000 pounds per year by the end of the phase. During this time, FDEP anticipates amending the TMDL to reflect updated modeling. The next phase of the BMAP will begin in 2017.

Following the comments from Ms. Alvi and Ms. Dinkins, participants discussed the following issues:

In response to a question about new and innovative technologies to deal with nitrogen loads, FDEP representatives stated that the Department has a process in place to evaluate new technologies and is currently exploring a couple of these. A SFWMD representative added that the District is looking at bioassays and mesocosms at the Boma site through the C43 water quality treatment and testing project. Lee County voiced their support of this project and moving components forward.

In response to a question about whether different parties can be required to comply with the terms of the BMAP, FDEP representatives explained that any projects identified in the BMAP are required commitments and have to be completed within timeframe of the BMAP. In the BMAP for the estuarine portion of the Caloosahatchee Basin, FDEP was able to calculate relative contributions to total nitrogen loads by different parties, and so each party is required to reduce its respective load contribution within the timeframe specified in the BMAP. Depending on the land use and land ownership, the responsible parties could be different local or state government bodies, agricultural interests, or others. The FDEP representative also explained that, while the BMAP primarily deals with water quality issues, sometimes projects under the BMAP also involve work around water quantity since quality and quantity issues are often closely interrelated.

In response to questions about how FDEP responds to situations of noncompliance with BMAP requirements, a FDEP representative explained that there are some situations in which local governments, agricultural interests, or other responsible parties have not complied with the terms of the BMAP. In these cases, FDEP sends out Letters of Noncompliance, which usually encourage people to take action. Future BMAPs will also incorporate interim milestones so that FDEP can better track responsible parties' progress. FDEP also does have the option to levy monetary penalties for noncompliance on municipalities that have MS4 systems (Municipal Separate Storm Sewer Systems), but the Department generally prefers to work with local governments to help them come into compliance with the BMAP rather than levying penalties.

Finally, in response to a question about funds that FDEP would have available for cost sharing on TMDL projects, a FDEP representative said that the Department would have between \$5 million and \$9 million from the state legislature, as well as appropriations. In addition, the Department would have \$6 million for 319 grants.

#### **VII. Overview of the Agricultural Best Management Practices (BMP's): current status, key project status, future plans**

Ms. Bonnie Wolff-Pelaez, of the Florida Department of Agriculture and Consumer Services (FDACS), presented an overview of the Department's Best Management Practices (BMPs) and

work to support farmers. She began by stating that the Department works with agricultural producers to help them get involved with the Department's BMP program. The BMPs vary by land use, with every type of agriculture required to justify which nutrients are used. Farmers are given a timeframe to implement the best management practices and FDACS has people who check on farmers' compliance with nutrient use plans.

Ms. Wolff-Pelaez explained that FDACS' best management practices are comprised of two groups: nutrient management and record keeping, and irrigation management and record keeping. She showed graphs and diagrams illustrating the greater consistency of irrigation and decrease in overall water and diesel used to irrigate crops using soil moisture probes that are one of the Department's BMP technologies. She also highlighted the following structural best management practices being promoted by FDACS: alternative livestock water systems, interior ranch fencing off of water bodies, sediment and erosion control measures, structures for water control, chemigation/fertigation systems, variable rate technology / precision agriculture, and weather stations.

Ms. Wolff-Pelaez also spoke about the Department of Agriculture and Consumer Services' enrollment practices and strategy in working with farmers. She recounted that the majority of land in Hendry County is enrolled in the BMP program and that the Department would like to get Lee County enrolled and participating in the BMP program. When agricultural producers enroll in the Department's BMP program, they sign a Notice of Intent to implement a suite of prescriptive BMPs that are laid out in a manual for each type of land use. Once they enroll, The Department strives to build a long-term relationship and help them accomplish other goals related to managing their properties, such as implementing water retention projects. Ms. Wolff-Pelaez noted that, since one of the big issues in the Northern Everglades district is water storage, the Department will assist farmers in financing and securing cost-share for storage systems from FDACS and from other agencies. In addition, FDACS can help direct farmers to the appropriate government agencies and other parties for securing easements and other available resources. She closed by noting that the Department also receives phone calls from county and municipal governments around better managing land and other resources.

Following Ms. Wolff-Pelaez' presentation, participants discussed the following issues. In response to a question about which BMPs are subject to the Department's timeframes for compliance, a FDACS representative clarified that the Department only institutes timeframes for structural BMPs. She added that FDACS has a statewide BMP manual for citrus, is currently updating its manual for row crops, and is developing a manual for nurseries. The manuals are updated periodically to incorporate the latest science and the Department works to make sure that agriculturalists are aware of the manuals.

In response to questions about monitoring, FDACS representatives explained that, while FDACS does not currently conduct any monitoring itself, the Department does financially support monitoring conducted by the US Geological Survey (USGS) and has conducted its own monitoring in the past. They stated that, if farmers do not sign a Notice of Intent to participate in FDACS' BMP programs, they can be forced to comply with regulatory programs; currently a

regulatory regime is in place in the Lake Okeechobee watershed but needs to be expanded to the St. Lucie River and Caloosahatchee River watersheds. In response to a question about ensuring compliance, a FDACS representative explained that farmers are required to provide soil samples and plant tissue samples to FDACS.

Participants also asked questions about the demand for FDACS services and how the Department screens potential participants in its BMP programs. FDACS representatives explained that the Department's services are offered on a first come, first served basis, with the Department always trying to figure out how to offer its services to the large number of farmers that seek its assistance. They also explained that FDACS does not enroll agricultural operations that are too small in its programs because they are unable to carry out the prescribed best management practices. While there are no strict written guidelines as per appropriate minimum sizes, crop and livestock operations that are smaller than 100 acres, or citrus or nursery operations that are smaller than 20 or 30 acres, are generally too small to comply with the BMPs.

#### **VIII. Overview of Lee County's Local Water Quality and Storage Plans: current status, key project status, future plans**

Mr. Roland Ottolini, Lee County, presented an overview of the County's projects relating to water quality and storage. Mr. Ottolini listed the following projects that Lee County has completed:

- Treating the Powell Creek watershed also results in improvements for the Caloosahatchee River, since the Creek is a tributary of the River.
- Treating the Popash Creek Preserve, which is nestled between two mobile home parks that were constructed before best management practices had been introduced.
- Taking a series of measures to attenuate water and improve water quality in the Powell Creek bypass.
- Silt removal project in Powell Creek.
- Park staff performed a hydrological retrofit of Caloosahatchee Creek Preserve.

Lee County is also experimenting with different technologies, such as ultraviolet and carbon technologies, in Lakes Park. While initial results are promising, these technologies can be very expensive to implement and are untested on a large scale.

Mr. Ottolini listed the following projects that Lee County is considering for the future:

- Using gravity feed and pump storage to filtrate water using sediment in a county park.
- Considering options for dealing with failing septic systems in Paloma Park, a low-income subdivision in North Fort Myers.
- Provide hydrological restoration at Daniel's Preserve, which has been severed from the watershed due to historic farming practices. This is a small segment of a larger project that the County is trying to do in the Four Corners region, for which it is asking for funds from the state legislature.
- Considering options to restore hydrology, improve water quality, and attenuate flows at

Prairie Pines.

- Providing hydrological improvements at Sunniland/Nine Mile Run on the Florida Gulf Coast University Campus. The project area discharges to the Orange River.
- Shifting water that historically went south to Estero Basin into the North 6-Mile Cypress Basin in order to restore partial flows to the latter basin in order to reduce total flows.
- Providing for attenuation of water flows and improving water quality at Fichter’s Creek.

Mr. Ottolini noted that there are also many city-level projects that have been implemented to comply with TMDL requirements under the Caloosahatchee River Watershed Protection Plan.

Mr. Ottolini highlighted Lee County’s public outreach projects related to water quality and conservation. He said that Lee County has spent over \$100 million on water quality-related projects over the past 5 years. A major point of focus has been source control. In 2008, the County enacted a fertilizer ordinance that was stronger than the state standard and the County has conducted a lot of public outreach to support that ordinance. The County is also undertaking a new campaign this year in collaboration with NGOs and municipal governments around fertilizer BMPs for residents’ back yards. Mr. Ottolini also stated that the County has been a leader on water conservation. For example, Lee County has had a water conservation ordinance in place for 10 years that limits lawn irrigation to 2 days a week.

Finally, Mr. Ottolini highlighted the importance of the BOMA water quality project. The County has contributed \$10 million towards the purchase of land in Glades County, and is anxious to see a return on its investment. He also noted that the County is working with legislators in Tallahassee around securing a funding allocation for the C43 reservoir.

During the discussion following Mr. Ottolini’s presentation, Lee County representatives noted that the County is trying to screen watersheds to better determine the locations of problems in order to better identify hotspots and have maximum impact. They also noted that the County has set aside a portion of the money that it will receive from the RESTORE program, resulting from the BP Deepwater Horizon – Macondo oil spill, for local water quality projects. It has also applied to the State for additional funding under the RESTORE program. A Lee County representative stated that the County would like to see some of the RESTORE program funds allocated to the C43 reservoir project.

As a result of discussions about different completed and proposed projects, FDEP agreed to provide a list of projects listed as “completed” in the BMAP to the group and Lee County agreed to provide a list of proposed projects to the group.

#### **IX. Initial Discussion on Prioritization Criteria**

The following table summarizes participants’ discussions about which descriptive prioritization criteria to use in consideration of projects.

<b>CRITERIA</b>	<b>RATING</b>	<b>FURTHER DESCRIPTION</b>
Nitrogen removal	H, M, L	What is the estimated nitrogen level

		expected for this project?
Acre-feet	H, M, L	What is the acre-feet of water that is managed under this project?
Tangible Benefits	H, M, L	Are there quantifiable, measurable benefits that would accrue to water quality and/or quantity?
Land is already in control	Y or N	Is the land for a project is already purchased and/or under the control of a participating entity?
Level of Design	H, M, L	Is the project already in design or far along in design versus only conceptual?
Level of Review	H, M, L	Has the project already been reviewed and vetted by various agencies?
In an Existing Plan	Y or N	Has the project already been listed in an existing plan (WPP, BMAP, etc.)?
Regional Impact	H, M, L	Does the project have a regional versus only local impact?
Identified sources of funding	Y or N	Have specific sources of funding been identified (though not secured) for this project?
Levels of Funding	A, S, N	Are the identified sources of funding sufficient to cover the entire project cost, or only partially (all, some, none)?
Impact on impaired waters	Y or N	What is the degree of positive impact on specifically named impaired waters?
Multiple Benefits	H, M, L	Does the project provide multiple benefits in addition to water quality/quantity, such as recreation, habitat restoration, open space, etc.
Collaboration	H, M, L	Does the project require collaboration among various entities?
Stakeholder Support	H, M, L	Does the project have broad and diverse stakeholder support?
Simplicity	H, M, L	Is the project simpler in design, development, and execution?

In addition to the above criteria, participants suggested that it would be preferable to focus on projects that fall into existing legal frameworks.

## **X. Next Steps**

The participants ended the meeting by discussion next steps and action items as noted at the beginning of this meeting summary. The next meeting will be held on Friday, May 16, 2014.

**Appendix A – Attendance**

Name	Organization
Callie Walker	Florida Department of Agriculture and Consumer Services
Bonnie Wolff-Pelaez	Florida Department of Agriculture and Consumer Services
Beth Alvi	Florida Department of Environmental Protection
Jennifer Carpenter	Florida Department of Environmental Protection
Kimberleigh Dinkins	Florida Department of Environmental Protection
Jon Iglehart	Florida Department of Environmental Protection
Julie Neurohr	Florida Department of Environmental Protection
Roger Desjarlais	Lee County
Kurt Harclerode	Lee County
Roland Ottolini	Lee County
Glen Salyer	Lee County
Lesley Bertolotti	South Florida Water Management District
Dan DeLisi	South Florida Water Management District
Phil Flood	South Florida Water Management District
<i>Process support:</i>	
Patrick Field	Consensus Building Institute
Tushar Kansal	Consensus Building Institute