

# **LAKE BELT MITIGATION COMMITTEE**

## **Meeting Summary**

South Florida Water Management District

3301 Gun Club Road, (Bldg. B-1, 3<sup>rd</sup> Floor, Storch Room)

West Palm Beach, Florida 33406

This meeting was conducted as a teleconference call at (561) 682-6800

Meet-me number (855) 682-6800 - Meeting ID #994 058 011

**Friday, July 24, 2015 9:00 AM**

1. Call to Order by Terrie Bates, Chair

- a) Meeting began at 9:00 AM

2. Attendees

a) Committee Members

- 1. Terrie Bates, Chairperson, SFWMD
- 2. Krista Sabin, USACE
- 3. Jane Herndon, DEP (Teleconference)
- 4. Marissa Krueger, FF&WCC Alternate
- 5. Bob Progulske, USFWS
- 6. Eric Hughes, USEPA
- 7. Ron Miedema, USEPA (Teleconference)
- 8. Craig Grossenbacher, DERM
- 9. Jeff Rosenfeld, MDLPA (ex-officio)

b) Other meeting attendees

- 1. Marjorie Moore, SFWMD
- 2. Olga Serrano, SFWMD
- 3. Lisa Schneider, SFWMD
- 4. Karen Estock, SFWMD
- 5. Steve Coughlin, SFWMD
- 6. Robert Verrastro, SFWMD
- 7. John Janzen, SFWMD
- 8. Eva Velez, SFWMD

9. Haley Koptak, SFWMD
10. Joan Lawrence, USDOJ
11. Martha Musgrove, Florida Wildlife Federation
12. Tom MacVicar, MDLPA

c) Other teleconference attendees

1. Howard Hayes, DEP
2. Alan Whitehouse, DEP
3. Orlando Rivera, DEP
4. June Mirecki, USACE
5. Eve Huggins, USACE
6. John Fellowes, USACE
7. Ernie Barnett, MDLPA

3. New Committee Members

Terrie Bates announced that she had received notification from DEP that Jane Herndon was their new Committee member and Ed Smith was the Alternate. The other members were asked if there any changes. Krista Sabin said that Eve Huggins would be the new Alternate for the Corps. Craig Grossenbacher and Bob Progulske said that they would discuss naming Alternates for their agencies. Terrie Bates asked to be notified of any Committee member changes, so the contact list could be updated.

4. Approval of Minutes

a) LBMC Meeting Minutes from April 24, 2015 were reviewed by the Committee members. The minutes were moved for approval by Krista Sabin, seconded by Bob Progulske. The minutes were approved by the Committee.

5. Submittal of Invoices for Acceptance by LBMC – Marjorie Moore / Jeff Rosenfeld

Jeff Rosenfeld discussed the invoices submitted since the last Committee meeting and Marjorie Moore presented a spreadsheet (copy attached) summarizing the invoices to be accepted by the Committee. These invoices included: 1) one L-31N Phase 1 invoice totaling \$2,841.76, 2) one Dade-Broward Levee Phase 1 invoice totaling \$15,210.00, and 3) two Dade-Broward Levee Mulching invoices totaling \$47,713.10. Bob Progulske moved to accept the

invoices and seconded by Krista Sabin. The motion to accept the invoices was approved by the Committee.

#### 6. 2015 Legislative Revisions / Updated Cashflow Analysis – Tom MacVicar

Tom summarized the changes to the Lake Belt legislation during the 2015 Session: 1) phased mitigation fee decrease to \$0.05/ton in 2018; 2) water treatment plant upgrade fee decrease to \$0.06/ton with fee sunset in 2018; 3) water quality monitoring included as an authorized use of the Trust Fund; and 4) land use wording clarification to include "zoning and subdivision regulations". Tom presented an updated projected cash flow through 2040, which included expenditures for the L-31N seepage barrier, the Dade-Broward Levee project, Pennsuco and C-139 restoration projects, and water quality monitoring. The projection also included \$9 million of non-allocated funds, which could potentially be used if a feasible project was developed for NE Shark River Slough exotic vegetation treatment or could be allocated in the future as additional funding for the C-139 Annex if additional mitigation credits were needed.

Terrie Bates noted that the fee started at \$0.05/ton in 2000 and was increased 3 times as the Committee recognized increased Pennsuco land acquisition costs. The updated fee schedule is back to \$0.05/ton and appears to reflect the amount of money needed for Lake Belt mitigation requirements now that the future mitigation projects are better defined.

Eric Hughes noted the return of the funding previously approved for the 8.5 Square Mile Area (8.5 SMA) project back to the Lake Belt Trust Fund and asked about current activities in the 8.5 SMA. Marjorie Moore said that, as previously discussed with the Committee, since the District could not obtain a permit from Miami-Dade County for stockpiling soil that the original scrapedown plan was not feasible, but that the District was doing exotic vegetation control in the area as part of their normal land stewardship program.

#### 7. C-139 Annex Restoration Project – Marjorie Moore / Terrie Bates

Marjorie Moore provided an update on current activities at the C-139 Annex Restoration Project. These include clearing of citrus trees and herbicidal treatments of 2,700 acres in the Phase 1 area, treatment of exotics in existing wetlands, and testing of maidencane planting methods in the donor site. Site work to degrade berms/fill ditches is expected to start this fall, with widescale maidencane planting next spring.

Terrie Bates presented a motion to “Approve the expenditure of \$8 million of additional funding for the C-139 Annex Restoration Project. At an estimated cost of \$15,248 per WRAP

credit, this expenditure authorizes the award of 524.7 WRAP credits (2,098.8 Pennsuco-equivalent mitigation acres) for 2015, subject to the final credit determination for the project.” It was discussed that this was the fourth annual payment (as proposed in the cash flow analysis discussed during the initial approval by the Committee) and that the LBMC funding was front-loaded to provide the estimated \$35 million needed for the restoration of the entire 14,100-acre project by 2017. Payments beyond 2017 would go toward reimbursing the District for the land acquisition costs. The credit award is based on the WRAP scoring approved by the Committee, which has not yet been finalized through Corps permitting. At this point, Lake Belt mining only appeared to need approximately 40% of the 10,000 WRAP credits projected for the project. The District would utilize the remaining credits for their own projects.

Bob Progulske moved to approve the motion and seconded by Marissa Krueger. The motion to fund the C-139 Annex Restoration Project was approved by the Committee. Miami-Dade County voted against approval, all others were in favor.

#### 8. L-31N Seepage Barrier Project Phase 2 – Jeff Rosenfeld / Krista Sabin

Jeff Rosenfeld described the previous WRAP scoring for the project and the actual costs from the initial 2-mile project and estimated costs for the proposed additional 3 miles. Krista Sabin discussed the Corps proposed WRAP score of 624 credits for the proposed additional 3 miles based on the Mike-She model developed by ENP and consideration of only hydrology benefits. She said the Corps was working with MDLPA to finalize the portion of the project that would be used to offset potential seepage effects from the Krome Quarry and that they would report back to the Committee when that determination had been finalized

A motion was presented to "Approve construction of 3 additional miles of the L-31N seepage barrier project with a total estimated project cost of \$13,757,000 and an award of 624 WRAP credits (subject to the final credit determination for the project). The project funding would come from the transfer of \$197,913.24 from the Phase 1 account and \$13,559,086.76 from the Lake Belt Trust Fund."

Joan Lawrence thanked the Corps and MDLPA for their efforts on the project and said that the seepage barrier was a high priority project for ENP. After discussion, the motion was moved by Bob Progulske and seconded by Krista Sabin. The motion was approved by the Committee.

#### 9. Dade-Broward Levee Construction/Monitoring Project Phase 1 – Jeff Rosenfeld

Jeff Rosenfeld summarized the current status of the project and provided cost estimates for the entire project. The MDLPA requested funding only for the levee earthwork, C-4 the tie-in culvert, and initial hydrologic monitoring from the FY15 budget. The additional construction costs would be requested in FY16. Tom MacVicar said that this project was a permit requirement to preserve the hydrologic status quo in the Pennsuco wetlands and that no mitigation credits were being requested.

A motion was presented to "Approve funding for the levee earthwork, C-4 the tie-in culvert, and initial hydrologic monitoring with a total estimated project cost of \$1,489,422. The project funding would come from the transfer of \$134,946.23 from the DBL mulching account and \$1,354,475.77 from the Lake Belt Trust Fund."

After discussion, the motion was moved by Bob Progulske and seconded by Krista Sabin. The motion was approved by the Committee.

#### 10. Water Quality Monitoring – Jeff Rosenfeld

Jeff Rosenfeld summarized the current Lake Belt water quality monitoring that has been performed since 2010 and the approximate \$350,000 annual costs incurred during 2013 and 2014. The \$360,000 shown for water quality monitoring in the cashflow flow analysis was requested from the FY15 budget, with \$90,000 to be released per the quarterly estimate and documented at the end of each quarter in order to pay the laboratory invoices in a timely manner.

The Corps and Miami-Dade County expressed concerns about using the mitigation fee for monitoring and requested that the vote be postponed until the funding request could be discussed with their agencies. The MDLPA said that the fee was already being used for hydrologic monitoring approved by the Committee, but agreed that the vote could be postponed until the next monitoring quarter to allow for more discussion. The vote at the next meeting would request funding retroactive to the effective date in the Lake Belt legislation (July 1, 2015).

#### 11. Cemex / DEP Land Exchange – Tom MacVicar

Tom said that Cemex and DEP State Lands were still working on the agreements to exchange the 1,708 acres owned by Cemex in the Pennsuco wetlands for State-owned property within the mining-allowable footprint of the Lake Belt. It was expected that the exchange would be broken into two separate agreements and as discussed previously with the Committee, that the Pennsuco property would be ultimately transferred to the District with the appraised property

cost being reimbursed to the State from the Lake Belt Trust Fund. The cashflow analysis discussed earlier had included \$11.1 million for this reimbursement. The restoration and long-term management costs for the 1,708 acres have already been approved by the Committee and the District has already begun treatment of the property.

#### 12. Next Meeting Date

The Committee did not set a specific date for the next meeting. The next meeting may be scheduled as a conference call in mid-late September 2015 (before the next monitoring quarter) to give the agencies time to discuss the water quality monitoring funding request.

Agenda:       Water quality monitoring funding  
                  Cemex / DEP land exchange update

#### 13. Meeting Adjourned