

# **LAKE BELT MITIGATION COMMITTEE**

## **Meeting Summary**

South Florida Water Management District  
3301 Gun Club Road, (Bldg. B-1, 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 #999 806 460

**Thursday, November 20, 2014 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. Anita Bain, SFWMD Alternate
    3. Craig Grossenbacher, MD RER (Teleconference)
    4. Krista Sabin, USACE
    5. Samantha Rice, USACE Alternate
    6. Marissa Krueger, FF&WCC Alternate
    7. Bob Progulske, USFWS (Teleconference)
    8. Eric Hughes, USEPA
    9. Jeff Rosenfeld, MDLPA (ex-officio)
  
  - b) Other meeting attendees
    1. Marjorie Moore, SFWMD
    2. Lourdes Elias, SFWMD
    3. Bob Verrastro, SFWMD
    4. Olga Serrano, SFWMD
    5. Tom MacVicar, MDLPA
    6. Martha Musgrove, FWF
    7. Bill Baker, MDLPA

8. Susan Kaynor, USACE
9. Joan Lawrence, USDOJ

c) Other teleconference attendees

1. Howard Hayes, DEP
2. Alan Whitehouse, DEP
3. Kerri Barsh, MDLPA
4. Bertha Goldenberg, MD WASD
5. Ernie Barnett, MDLPA
6. Laurie Miller, USFWS

3. Approval of Minutes

a) LBMC Meeting Minutes from June 24, 2014 were reviewed by the Committee members. The minutes were moved for approval by Krista Sabin, second by Marissa Krueger. The minutes were approved by the Committee.

4. 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) three L-31N Phase 1 invoices totaling \$30,113.94, and 2) three Dade-Broward Levee Mulching invoices totaling \$96,634.70. Krista Sabin moved to accept the invoices, Marissa Krueger seconded the motion. The motion to accept the invoices was approved by the Committee.

5. L-31N Seepage Project Monitoring Results Update – Jeff Rosenfeld

Jeff Rosenfeld presented the L-31N Seepage Project monitoring results collected through the end of August. Once the marsh in ENP flooded at the beginning of July, the monitoring results were very similar to the monitoring results obtained during the past two wet seasons after construction of the barrier in 2012. The flow, water level, and temperature data indicate the barrier is influencing water levels and seepage from the Park into the L-31N Canal. The measured changes in water levels and seepage reduction are similar to the model predictions.

Jeff also showed pictures and a video of surface water flow through gaps in the Dade-Broward Levee taken this summer after the top of the levee was mulched.

#### 6. Overview of Proposed Cemex Land Exchange – Tom MacVicar

Tom MacVicar discussed the land exchange recommendation in the original Lake Belt Plan and the two previous exchanges by Florida Rock and Tarmac of land that they owned within the Pennsuco wetlands for State-owned properties in the mining-allowable portion of the eastern Lake Belt. Cemex is the last mining company with Pennsuco properties and has been working with DEP on a proposed land exchange for State-owned properties in the vicinity of their FEC and SCL quarries.

Terrie Bates commented that the State / miner-owned land exchanges contemplated in the Lake Belt Plan were considered “a for sure thing,” so the Committee focused its attention first on the acquisition of the smaller, privately-owned land parcels. However, the Committee did previously approve partial mitigation credit for implementation of enhancement and land management activities on the Cemex parcels in Pennsuco. She noted that the majority of Pennsuco has been acquired from willing sellers, the remaining parcels will continue to be pursued as the opportunity arises, and that the Cemex properties were the last large parcels to be acquired in Pennsuco through the proposed State land exchange.

Scott Woolam from DEP discussed the proposed schedule for the consideration of the proposed land exchange and said that a motion from the Committee endorsing the proposed land exchange would be helpful in their presentations to the Acquisition and Restoration Council and the Governor and Cabinet.

Terrie Bates suggested a motion for "the Lake Belt Mitigation Committee to endorse the proposed Cemex land exchange as being consistent with the Lake Belt Plan." Eric Hughes moved to approve the motion, Krista Sabin seconded the motion. The motion to endorse the proposed land exchange was approved by the Committee. Miami-Dade County voted against approval, all others were in favor. Craig Grossenbacher noted that he did not think he had enough information to vote for approval at this time.

#### 7. Updated Mitigation Cash Flow Projections & Mining Fee Review – Tom MacVicar

Tom MacVicar made a presentation on the summary of mitigation fee payments and expenditures to date, the estimated total mitigation credits that would be needed for full Lake

Belt mining, the projected cost of the mitigation, and a cash flow analysis through 2040. The cash flow analysis included a proposed phased reduction in the mitigation fee. Based on the permitted mitigation needs, the proposed fee revisions and updated cash flow presented to the Committee show revenue generation sufficient to cover expected expenses with a surplus for any contingencies.

The Lake Belt statute (373.41492) includes language regarding a Committee report to the Legislature should any adjustments to the mitigation fee be needed "to ensure that the revenue generated reflects the actual costs of the mitigation". Tom MacVicar said the Mining Companies were considering going to the Legislature to request approval of the proposed change in the mitigation fee and requested a letter from the Committee saying that the proposed fee schedule is sufficient to cover the expected costs for the mitigation of impacts associated with mining.

There was a lot of discussion by the Committee members on the details of the cash flow analysis, including a proposed annual contribution to Miami-Dade County's EEL program. The proposed contribution to the Miami-Dade County's EEL program would not be part of the Lake Belt Mitigation Committee's responsibility. The Committee members requested additional time to review the information provided and suggested that the cash flow analysis be discussed again at the next Committee meeting. SFWMD said that they would calculate the amount of remaining privately-owned properties in the Pennsuco wetlands and prepare a draft letter for the discussion.

#### 9. Next Meeting Date

Committee Meeting - Thursday, January 29, 2015, 9:00 AM at the SFWMD

Agenda: L-31N Seepage Barrier Project - additional 3 miles

Cash flow analysis / mitigation fee proposal

#### 10. Meeting Adjourned