

# **LAKE BELT MITIGATION COMMITTEE**

## **Meeting Summary**

South Florida Water Management District

3301 Gun Club Road, (B-2, EMD Training Room)

West Palm Beach, Florida 33406

This meeting was conducted as a teleconference call at (561) 682-6700

Meet-me number (866) 433-6299 - Meeting ID #6982

**Tuesday December 4, 2012 – 1:00 PM**

1. Call to Order by Terrie Bates, Vice Chair
  - a) Meeting began at 1:00 PM.
2. Terrie Bates noted the following changes to the Lake Belt Mitigation Committee membership: DEP appointed Danielle Fondren to serve as its representative on the LBMC with Chris Klena as her alternate; the USACE appointed Leah Oberlin as its representative with Samantha Rice as her alternate.
3. Attendees
  - a) Committee Members
    1. Terrie Bates, Vice Chair, SFWMD
    2. Tim King, FFWCC (Teleconference)
    3. Eric Hughes, USEPA
    4. Chris Klena, DEP (Alternate)
    5. Matt Davis, M-D RER
    6. Samantha Rice, USACE (Alternate)
    7. Bob Progulske, USFWS (Alternate)
    8. Jeff Rosenfeld, MDLPA (ex-officio)
  - b) Other meeting attendees
    1. Lee Chitty, SFWMD
    2. Robert Taylor, SFWMD

3. Kerri Barsh, MDLPA
4. Marjorie Moore, SFWMD
5. Joan Lawrence, USDOJ
6. Lourdes Elias, SFWMD
7. Tom MacVicar, MDLPA
8. Jesse VanEyck, SFWMD
9. Trisha Stone, SFWMD
10. David Foote, SFWMD
11. Martha Musgrove, FWF
12. Jeff Needle, SFWMD
13. Beth Lewis, SFWMD
14. Eric Flaig, SFWMD
15. Olga Serrano, SFWMD
16. Ray Palmer, SFWMD

c) Other teleconference attendees

1. Tom Lodge, MDLPA
2. Terry Clark, Cardno Entrix
3. Alan Whitehouse, BMMR
4. Howard Hayes, BMMR
5. Stephanie Gudeman, Fl. Senate Environment Com.
6. Ansley Samson, NRDC
7. Laura Reynolds, Tropical Audubon Society
8. Anita Bain, SFWMD (Alternate)
9. Calvin Alvarez, BMMR

3. Approval of Minutes:

- a) Meeting October 16, 2012 – Approved, no corrections
- b) Meeting October 30, 2012 (field trip) – Approved, no corrections

4. Opening Comments – None

## 5. MDLPA FY 13 Budget Proposal – Tom MacVicar

Tom discussed a memo from MacVicar Consulting dated November 2, 2012 for budget planning purposes. A motion was made to approve Total Estimated Costs of \$414,000 for three projects in 2013. Motion was discussed and approved by the Committee. In addition, Tom discussed the relocation of the transmission lines outside the Pennsuco and Everglades National Park. In order for this alternative transmission corridor to be considered, a filing fee of approximately \$23,000 must be paid. Tom wanted to bring this item to the attention of the Committee to discuss possible payment of this cost since the benefits accrue to the mitigation projects previously approved by the Committee. Tom will bring a specific proposal to the Committee at the next meeting.

Tom also discussed efforts made during the past several weeks to try to find additional funding for environmental projects in Miami-Dade County. The most promising idea was potentially shifting money from the LBMC trust fund for the anticipated future reimbursement of land acquisition costs of the CEMEX property in the Pennsuco area; and instead, use those funds for the Environmentally Endangered Lands (EEL) Program in Miami-Dade. The restoration and long term management of the CEMEX property has already been approved, funded and credits awarded by the LBMC Committee; however, the land acquisition (and associated mitigation credit) component has not yet been authorized by the Committee. After a brief discussion, it was suggested that the item be added to the agenda for the next meeting of the Committee.

## 6. 10/30/12 Field Trip discussion and updated WRAP analysis – Marjorie Moore

Marjorie gave an overview of the 10/30/12 field trip and discussed a C-139 Annex Revised WRAP Summary dated 11/06/12. Following discussions in the field with the Committee members and review of existing permits, the WRAP assessment was revised to exclude a total of 2,962 acres of lands which were previously identified as panther habitat, natural areas or otherwise set aside from development. Although these areas will be restored as part of the overall restoration project, they are not included in the WRAP credit assessment. In addition, the WRAP scoring for 350 acres of ditches / furrows was revised to recognize an existing WRAP value of 0.23. With these adjustments to the WRAP assessment for the C-139 Annex Restoration Project, the cost per WRAP credit is \$15,248.

## 7. Consideration of the C-139 Annex Restoration Project – Committee Members

Terrie Bates reviewed two draft motions - “Draft Motion #1” and “Draft Motion #2” which had been distributed to the Committee in advance to facilitate the discussion of the C-139 Annex Restoration Project. Terrie made a motion to approve “Draft Motion #1” and Bob Progulske seconded the motion. Extensive discussion surrounded “Draft Motion #1”. Matt Davis, M-D RER distributed an “Alternative Draft Motion #1” and explained his concerns about the language in the “Draft Motion #1”, specifically: 1) the possible exclusion of future Miami-Dade mitigation projects by the Committee and, 2) committing future funds to complete the project construction. Matt Davis also expressed concern regarding Paragraph 2 in Motion #1 which referenced the Cash Flow Analysis and Ledger Approach for WRAP credits.

After extensive discussion and editing of the original “Draft Motion #1” to include some of the proposed language from the “Alternative Motion #1”, the following motion was presented to the Committee for a vote:

### ***MOTION #1 (as amended)***

*Approve use of the 14,302 acre C-139 Annex Restoration Project as a mitigation project for wetland impacts associated with the limestone mining activities in the Lake Belt Region as described in the:*

- 1. C-139 Annex Restoration Project – Draft Feasibility Study Report dated 8/13/12; and*
- 2. Updated WRAP scoring and credit summary dated 11/6/2012 which reduced the amount of available credits to account for acreage required to be preserved or enhanced in USACE permit 89IPD-20207 and lowered the lift associated with the agricultural ditches / furrows.*

*The C-139 Annex Restoration Project includes habitat restoration and long-term management of 14,302 acres with an estimated 9,733 WRAP credits available. The estimated cost per acre is \$10,377 which results in an adjusted cost of \$15,248 per WRAP credit. These costs will be updated after the final design and permitting have been completed and updated annually, if necessary, during implementation of the restoration project to comply with the legislative requirements of full-cost accounting.*

*Depending on the mix of Lake Belt mitigation projects approved, including credits associated with the seepage barrier, the continued purchase and enhancement of lands within the Pennsuco and other projects (including those not yet identified) within Miami-Dade County, it is anticipated that fewer than 4,000 WRAP credits would be needed from the C-139 Annex Restoration project. The cash flow analysis presented at the 10/16/12 LBMC meeting shows the proposed funding approach to provide for the C-139 Annex Restoration Project and other projects.*

The Committee took public comment on the proposed motion.

1. Laura Reynolds, Tropical Audubon Society, commented: What is the commitment of funds to Miami-Dade County over the next 5 years? Response: approximately \$35 to \$40 million. She said she appreciates the discussion of funding for EEL projects and efforts to purchase lands within the Pennsuco. She expressed concerns that the public and Miami-Dade County elected officials are not better informed about these discussions.
2. Ansley Samson, NRDC, commented that she appreciated the robust discussion among the committee members about the proposed mitigation project. She expressed concern about funding WRAP credits for mining acreage that has not yet been permitted. NRDC provided a letter summarizing their concerns to the Committee members.
3. Martha Musgrove, Florida Wildlife Federation, commented that the C-139 Annex Restoration Project was a very good project and she was glad to see that a funding source was found to make it possible.

The motion was approved with Committee members Bates, King, Hughes, Klena, Rice and Progulske voting Yea, and Davis voting Nay.

“Draft Motion #2”, moved by Bates and seconded by Progulske, was then discussed by the Committee. Several minor changes were made to the draft language and the following Motion was voted on by the Committee.

***MOTION #2 (As amended)***

*Approve the expenditure of \$ 3 million from the Lake Belt Mitigation Trust Fund to fund the initial design, detailed site assessment, state and federal permitting, and other costs anticipated to occur in FY13 for implementation of the SFWMD C-139 Annex Restoration Project and authorize the award of 196.75 WRAP credits, subject to final credit determination for the project, (\$ 3 million / \$15,248 per WRAP credit) to be reflected in the 2012 Lake Belt Mitigation Committee Annual Report.*

The motion was approved with Bates, King, Hughes, Klena, Rice and Progulske voting Yea, and Davis voting Nay.

## 8) Other Committee Business – Terrie Bates

Terrie Bates discussed several items that should be on the agenda for the next meeting scheduled for February 22, 2013. One item was discussed by Tom MacVicar. He brought up the question of 477.8 mitigation credits now recorded on the books of the Annual Report for a mitigation project in the 8.5 Square Mile Area. The project is currently on hold due to permitting issues and it was discussed that the credits should be removed from the mitigation ledger in the Annual Report until the future direction of the project is determined. Bates made a motion to remove 477.8 credits from the mitigation ledger and to reflect that change in the 2012 Annual Report. Matt Davis asked a clarifying question regarding the \$8.3 million approved by the LBMC for the project. Bates responded that the motion does not propose change in the funding; it remains set aside for this future project. The motion was approved by all members of the Committee.

## 9. Discussion Topics for February 22, 2013 LBMC Meeting – Terrie Bates

- a) CEMEX property and potential conservation easement in lieu of purchase and shift of funds for mitigation through the EEL Program – Tom MacVicar & Matt Davis
- b) Transmission Line Relocation & Filing Fee Reimbursement – Tom MacVicar
- c) Outstanding Invoices for Committee approval – Marjorie Moore
- d) SFWMD Audit recommendation for consideration of competitive procurement competitive procurement process – Terrie Bates
- e) Update on L-31 seepage barrier project monitoring data – Tom MacVicar
- f) 2012 Annual Report – Jeff Rosenfeld & Lee Chitty

## 10) There was no General Public Comment

## 11. Next Meeting Dates

The following meetings have been scheduled for the LBMC:

February 22, 2013, SFWMD

## 12. Meeting Adjourned