

# **LAKE BELT MITIGATION COMMITTEE**

## **Meeting Summary**

South Florida Water Management District

3301 Gun Club Road, (B-2 Florida Bay Conference Room 1S)

West Palm Beach, Florida

This meeting will be conducted as a teleconference

Meet-me number 850-921-5320 (suncom 291-5320)

June 6, 2003 9:00 a.m.

### **1. Call to Order**

- a) Meeting began at 9:30 AM.

### **2. Opening Comments / Attendees**

#### **a) Committee Members**

- a. Janet Llewellyn, DEP, Committee Chair (Teleconference)
- b. Terrie Bates, SFWMD, Committee Vice Chair
- c. Jean Evoy, Alternate, Miami-Dade County DERM (Teleconference)
- d. John Studt, Alternate COE
- e. Tom MacVicar, MF&L (Non-voting)

#### **b) Other meeting attendees**

- a. Tom Olliff, SFWMD
- b. Connie Ramsey, COE
- c. Marjorie Moore, SFWMD
- d. Jorge Jaramillo, SFWMD
- e. Anita Bain, SFWMD
- f. Jim Jackson, SFWMD
- g. Pete Schneider, SFWMD
- h. Jeff Rosenfeld, MF&L
- i. Lee Chitty, SFWMD Contractor
- j. Greg Rogers, SFWMD
- k. Liz Abbott, SFWMD
- l. Ron Miedema, USEPA

- c) Teleconference attendees
  - a. Jim Ferro, Miami-Dade County DERM
  - b. Mike Spinelli, Miami-Dade County DERM
  - c. Bertha Goldenberg, Miami-Dade Water & Sewer Department
  - d. Howard Hayes, DEP-Mine Reclamation
  - e. John Adornato, National Parks Conservation Assn.

3. Approval of Minutes from January 30, 2003 meeting

- a) No changes or corrections to Minutes: Motion to approve, Terrie Bates; unanimously approved.

4. Mitigation / Restoration Plan for 2003: (Marjorie Moore)

- a) Discussed plans for restoration for the remainder of 2003.
- b) All permissions for remaining 2003 land treatments have been obtained.
- c) All FY 2003 funding authority is from Fund 211, the Developer's Fund.
- d) By the end of 2003, 5,500 acres of the total 13,000 available acres within Pennsuco will be under treatment.
- e) If committee authorization is approved today, contractors could begin initial ground treatments within Pennsuco of 1,569 acres of federal land and 2,347 of miner's lands before the end of 2003. Because budget transfers were completed at the March Board meeting, funding could come 100% from miner's funds for these treatments.
- f) **ACTION 1** - John Studt, COE, to verify with COE Real Estate that there would be no objection to begin treating federal lands within Pennsuco during 2003. John Studt to provide a response to Marjorie Moore by Monday, June 09, 2003.

5. Status on Land Exchanges in Pennsuco: (Janet Llewellyn)

- a) Discussed copy of memo to Mark Glisson, Division of Lands, regarding Florida Rock Industries proposed land exchange. The purpose of the memo was to provide additional information for consideration by the Acquisition and Restoration Council (ARC). ARC conceptually approved the land exchange. The next step in the process is to obtain appraisals for the properties. When and if the land exchange is approved, Janet will bring

it back to the committee for a formal discussion and vote. DEP is still determining the appraisal protocols with Florida Rock.

- b) **ACTION 2** - Terrie asked Janet if she knew the estimated timeframe and costs associated with the acquisition of this land for budgeting purposes. Janet will investigate the estimated timeframe and costs and report back to the committee in November.

6. USACOE Permit Update: (John Studt)

- a) No substantial change or update since last meeting.

7. Status of Trust Fund and Mitigation Credits in Pennsuco (Terri Bates)

- a) Terrie Bates & Anita Bain discussed adjustments to the spreadsheet presented to the Committee at the January 30, 2003 meeting. The adjustments were related to the conversion of acres to ecological lift in the spreadsheet, when that conversion was already included in the permit requirements.
- b) Janet Llewellyn suggested that mitigation credits be applied half for acquisition and half for restoration & maintenance. The order of obtaining the credit is not important. COE & District agreed with this approach.
- c) Miami-Dade requested that treatments on 598 acres of County owned property in Pennsuco be stopped, because of existing County permitting issues that have not been resolved. Jean Evoy indicated resolving these issues may continue for sometime and the County may prefer to reimburse the District for lands treated and receive the earned mitigation credits. This approach would eliminate the confusion over how to split / apply the treatment credits between the County and LBMC. Terrie Bates recommended that the credits for treating this County-owned land be removed from the spreadsheet until the permitting issues were resolved. The committee agreed with the recommendation.
- d) Terrie Bates discussed the uncertainty in the purchase cost of the City National property and the application of the \$2,000,000 payment from developer's funds for restoration and maintenance, rather than acquisition. Terrie suggested that the acquisition component on the revised spreadsheet should be removed at this time and the issue set aside for future consideration because of the uncertainty in this matter. Committee members concurred.
- e) **MOTION** - by Terrie Bates: Pending COE approval, LBM Trust Funds will be used in the remainder of 2003 for treatment of federal lands. Funds will be expended 50 / 50 if

the developer's commitments are not be fulfilled, otherwise 100% of treatments will be from rock miner's funds. Jean Evoy seconded. No discussion. Passed unanimously.

- f) Jeff Rosenfeld said that they needed additional input from the Companies on the early treatment of melaleuca on miner-owned land and that the Companies would need to meet with the Corps to discuss the implications of early treatment on the permits. John Studt, the COE committee representative, said he would set up a meeting with the Companies prior to the next committee meeting to discuss these treatments.

#### 8. Status of Land Acquisition and Mitigation in Pennsuco (Tom Olliff & Pete Schnieder)

- a) Split funding (50/50 – developer's & miner's) closed on 4 properties totaling 16.81 acres for \$53,900 and contracts for 80 acres at \$200,000. Appraisals have not been updated since 1997. New appraisals are now in progress and due in late July. Upon completion, new offer letters will be sent to property owners. Tom expects new activity after new appraisal letters are mailed. It was noted that Anita's calculations & spreadsheet discussed earlier, included Pete Schneider's numbers.
- b) Janet stated that last year the committee authorized up to \$6,000 / acre for acquisition. This was based upon Blair Littlejohn's earlier committee discussions that he may have willing sellers in the \$4-\$5 K range. The Committee agreed at that time to set a \$6,000 offer price because of the uncertainty of City National lawsuit and the Committee's desire to lock in prices for acquisitions.
- c) Tom MacVicar discussed a map distributed at the meeting highlighting the FPL strip east of the Dade-Broward levee as proposed acquisition. Tom indicated these are private lands intended for mining. Pete Schneider stated that the District was looking at acquiring only a narrow strip of land for a new canal, agreed the map is misleading and would be corrected by the District.
- d) The trial date on City National has been set for October 15, 2003. Some discussions continue between SFWMD & City National regarding a possible settlement.

#### 9. Committee Report Alternative Mitigation Locations (Connie Ramsey)

- a) Connie Ramsey reported three primary alternatives have been identified for alternative mitigation locations:
  - a. Tree Island E-W wildlife corridor.

- b. An old ditch known as the Pennsuco Canal that provides an E-W corridor from the Dade-Broward levee to the FPL power line ROW. (Possible mitigation includes removal of exotics and purchase of a land buffer along the ditch)
- c. A 500 ft Littoral Area along a N-S corridor adjacent to the Dade-Broward levee.
- b) Jeff Rosenfeld stated that they needed additional input from the potentially affected Companies, but in general that there were concerns about losing mining acreage within areas designated for mining in the Lake Belt Plan.
- c) Cell 16 & Cell 23 were discussed as potential sites but the designs for those areas have not been finalized by CERP. Jean Evoy questioned spending LBMC funds within the CERP area unless they are targeted as future marsh areas. Marjorie Moore stated that the proposed acquisition/restoration activities in her 2002 memo only included proposed CERP marsh areas. It was suggested that a CERP representative be invited to future Committee meetings.
- d) **ACTION 3** – Janet suggested the sub-committee continue meeting and come back to the next Committee meeting with something in writing. The sub-committee could present various options, pros & cons associated with these options and discuss potential obstacles. The Committee could then focus their efforts on assisting the sub-committee in resolving these obstacles.
- e) **ACTION 4** – Tom Olliff to include Max Day as participant of next meeting to address CERP issues.
- f) **ACTION 5** - Mike Spinelli, Miami-Dade County DERM asked Connie to consider the possible enhancement / acquisition of the Florida Rock Tree Island to compliment the proposed wildlife corridor. Connie will investigate this suggestion and provide the committee with a follow up at next meeting.

#### 10. Old Business

- a) Committee Action Plan for 2003: (Jean Evoy & Tom Olliff) Item covered under previous discussion topics.
- b) Treatment of Mining Co. Lands: (Jeff Rosenfeld) Item covered under previous discussion topics.

## 11. New Business

- a) **ACTION 6** - Terrie Bates suggested developing a budgeted timeline, which would include the projected revenue stream from the mitigation fee and the costs to implement the different proposed activities. By preparing this budgeted timeline, the implementation of the recommendations could be prioritized by the Committee based upon the timing of funds availability. Terrie will ask Anita Bain to prepare a projection / forecast matching the income stream to a schedule for expending funds for acquisitions, restoration and long-term maintenance. Anita will meet with Jeff to review this schedule before the next committee meeting.
- b) Janet Llewellyn recognized Jean Evoy for her long and dedicated service to the Lake Belt Committee and the Committee wishes her well in her retirement and new endeavors. For the interim period Jean's replacement at Miami-Dade County DERM will be Jim Ferro.
- c) **ACTION 7** - Terri Bates inquired to Jean about monies held by the County for mitigation. Jean estimated \$800 - 900 K is available and the County would like to get it transferred to the District for land acquisitions within the Pennsuco. Tom Olliff should draft Memorandum of Agreement to Mike Spinelli for the transfer of these mitigation funds from DERM to the District. Jean mentioned that approximately \$400 K came from a Corp permit issued to the Miccosukee Tribe specifically for mitigation within Pennsuco.
- d) **ACTION 8** - John Studt / Connie Ramsey will research COE records to ensure this fund transfer and usage are in compliance with permit requirements.
- e) **ACTION 9** - Various Committee members noted that emails and attachments forwarded from the District could not be opened in a legible manner. Tom Olliff and Lee Chitty will work with District personnel to investigate and correct this problem.

## 12. Public Members:

- a) John Adornato - Stated his email communications are garbled and is unable to read attachments. He also stated he is getting communications as "blind cc" and asked that his name be moved to the "cc line" or "to" of emails for public record. He did not receive an agenda for this meeting, nor did he receive a copy of the final 2002 LBMC Annual Report.
- b) **ACTION 10** - Tom Olliff to forward John Adornato a copy of the final 2002 LBMC Annual Report.

### 13. Next Meeting

- a) Next meeting scheduled for Friday, November 14, 2003, 9:00 AM at WPB Headquarters of the SFWMD.

### 14. Adjourn

### 15. Action Items for November 14, 2003 meeting:

- 1) **John Studt, COE** - to verify with COE Real Estate that there are no objections to treating federal lands within Pennsuco during the later part of 2003. John to provide a response to Marjorie Moore by Monday, June 09, 2003.
- 2) **Janet Llewellyn, DEP** - will investigate the estimated timeframe and costs related to her April 17, 2003 memo concerning "Florida Rock Industries Proposed Land Exchange" and report back to the committee in November.
- 3) **Connie Ramsey, COE** - the sub-committee will continue meeting and come back to the November Committee meeting with a written plan presenting various options, pros & cons associated with these options and potential obstacles.
- 4) **Tom Olliff, SFWMD** - Tom Olliff to include Max Day as participant of next meeting to address CERP issues.
- 5) **Connie Ramsey, COE** - to meet with Mike Spinelli and Florida Rock to discuss the possible enhancement / acquisition of the Tree Island.
- 6) **Anita Bain, SFWMD & Jeff Rosenfeld, MF&L** - to meet and prepare a forecast worksheet matching projected income to expenses for LBM Trust Fund acquisitions, restoration and long-term maintenance.
- 7) **Tom Olliff, SFWMD** - to draft Memorandum of Agreement to Mike Spinelli, Dade County DERM, for the transfer of mitigation funds from DERM to the LBM Trust Fund.
- 8) **John Studt, COE** - to research COE records to ensure amounts transferred from Miami-Dade County DERM to LBMC are in compliance with permit requirements.
- 9) **Tom Olliff, SFWMD** - investigate and resolve issue of Committee emails and attachments not properly opening upon distribution.
- 10) **Tom Olliff, SFWMD** - to forward copy of the final 2002 LBMC Annual Report to John Adornato.