



South Florida Water Management District

Public Meeting to Discuss Regulatory Matters

February 18, 2015

10:00 a.m.

**South Florida Water Management District - B-1 Storch Room
3301 Gun Club Road, West Palm Beach, FL 33406**

MEETING MINUTES

Staff Present:

Sharon M. Trost, Director, Regulation Division
Charles Walter, Regulatory Administrator, Orlando Service Center
Melissa Roberts, Section Leader Lower West Coast Service Center
Maria Clemente, Bureau Chief Water Use Bureau
Carlos Derojas, Section Leader Permitting Bureau
Jesse Markel, Section Leader, Okeechobee Service Center
Randy Smith, Senior Media Relations Representative
Jennifer Brown, Senior Attorney Office of Counsel

1. Call to Order

The meeting was called to order by Sharon Trost at 10:10 a.m. Ms. Trost reviewed the purpose and requested all comments be regarding regulatory issues and introduced staff at headquarters and the service centers. There were nine members of the public present at the District Headquarters. There were no members of the public present at any of the service centers.

2. Applications of Heightened Public Concern Pending Final Action

No Comments.

3. Applications of Heightened Public Concern Not Complete

Application 150126-17 Turkey Point Cooling Canal Augmentation

Public Comment: Rachel Bruce (Lewis Longman & Walker representing Atlantic Civil) expressed objection to this application. Atlantic Civil owns property to the west of the

cooling canal system. Objections have already been filed under the Power Plant Siting Act. Ms. Bruce stated concerns with the amount of water proposed to be withdrawn from the model land basin and the results from various studies in the area.
(Correspondence was submitted, accepted, and posted on line under this application number.)

Public Comment: Susan Shapiro (Tropical Audubon Society), expressed opposition to this application. Ms. Shapiro expressed concerns regarding the current supply of water in the area and commented that any extra water should be used for the Biscayne Bay. She is also concerned that the proposed application is not consistent with the goal of the Comprehensive Everglades Restoration Plan (CERP) DEP C-111 Spreader Canal efforts. She suggested that a water budget study should be done in South Dade and changes in the operation of the interseptor ditch and culverts permitted by DEP. She requested that an evaluation be conducted before they would support water being used for any reason except restoration efforts. She would like to see all of this extra water held on model lands to increase ground water inputs and not put into the cooling canal system.
(Correspondence was submitted, accepted, and posted on line under this application number.)

Public Comment: Joan Lawrence, (US DOI – Department of Interior), expressed opposition to this application. She expressed objection to the review of this project while other parts of the District, Miami-Dade County, and DOI, are meeting to locate sources for more fresh water for the Biscayne Bay, stating that Biscayne Bay needs more fresh water. Ms. Lawrence expressed that the application is in conflict with the goals and objectives of the CERP which authorizes projects to restore both the Everglades and the Coastal estuaries. There is a reservation for the Biscayne Bay coastal wetlands project. Ms. Lawrence is concerned with the definition of a reservation meaning its purpose is to try to maintain the “status quo”, when the Biscayne Bay and Biscayne National Park needs more than remaining at status quo. Stating that they need more fresh water and not have that water drained off by FPL. Ms. Lawrence made it clear that she does not believe this permit is in the public interest and that granting this permit would be detrimental to the natural resources of Biscayne Bay and Biscayne National Park.

Public Comment: Brian Carlstrom, (Superintendent, Biscayne National Park), is completely opposed to this application. He referred to a letter sent in August, 2014, that is already on record against the emergency order that was granted last year for this same process. Stating that this cooling canal system is an industrial waste water facility adjacent to a national park that is failing; expressing, that this is a stop gap measure to try and supplement a problem that much bigger than what the water from the L-31E can cure. If the permit is issued, there is concern regarding whether the implementation of the Central Bay Everglades Restoration Project, Biscayne Bay Coastal Wetlands Phase 1 and the Authorized Biscayne Bay coastal Phase 2 could be accomplished contrary to federal laws which are in process to be established. Mr. Carlstrom reminded the District of public events held in the area such as the Naturalization and Citizenship ceremonies that are currently held in the park. He stated that the water for the Bay is necessary and any additional water available from the L-31E should be going to the Bay since the Bay is starving for fresh water.

Public Comment: Mayor Philip Stoddard, (City of South Miami), adamantly opposes FPL's request to withdraw waters from the L-31E. As a professor of Biological Sciences, he states that the problem being seen stems from FPL's increasing the heat with the uprate of the cooling canals. Mayor Stoddard suggests that they stop putting additional heat into the canal and solve the problem without withdrawing water from the L-31E. The Mayor is concerned with the need for additional fresh water for the southeast Everglades restoration. The Mayor is concerned with the hyper salination of the waters in the region and its possible negative effects in the area.

Public Comment: Carolina McLaughin, (NPCA – National Parks Conservation Association), expressed opposition to this application. Ms. McLaughin is concerned with the duration of 20 years proposed by this application. Her concern is that all excess water above and beyond the reservation for Biscayne Bay and Biscayne National Park would not be available for 20 years and is contrary to the goals of CERP. She is concerned that granting this request for a period of 20 years would devastate restoration plans in this region. Ms. McLaughin pointed out that when FPL requested a temporary emergency order last year, it was presented as a temporary emergency situation to address a temporary emergency situation to the District's Governing Board. It was clear that staff viewed this as temporary measure for an emergency and not as a precedent for future. Ms. McLaughin requests that excess water be used for preservation needs and is opposed to the water being given to address the needs of a privately owned industrial waste water site that is not in the public interest and contrary to the goals of restoration.

Public Comment: Drew Martin (Sierra Club, Loxahatchee Group), expressed opposition to this application. Mr. Martin stated his agreement with previous comments on this matter. He expressed concern regarding water being diverted from the Bay would lead to an increase in salinity for the Bay. Mr. Martin also requests that all discussion be transparent and available to the public.

Application 141120-2 Minto West

Public Comment: Rachel Bruce (Lewis Longman and Walker) representing Minto West available to answer questions if needed.

Public Comment: Alan Ballweg expressed opposition to the issuance of this application and is concerned with the potential environmental impacts. Mr. Ballweg is concerned about the filling of existing agricultural canals and the impact to existing wildlife (Wood Stork). He also objects to water being moved north, stating the water is budgeted to go south. Mr. Ballweg requested that the District to review the DEP & ERM environmental studies done on the area.

Public Comment: Drew Martin expressed opposition to the issuance of this application and concerned with the potential environmental impacts. Request that the permits take into account and endangered animals living in the area.

Application 080103-6 Town of Big Cypress

Public Comment: Drew Martin inquired regarding the current status of this application.

Staff reported the current status of this application.

Application 090107-1 Crosstown Parkway Extension (Bridge Over North Fork)

Public Comment: Drew Martin expressed opposition to the issuance of this application because it runs thru a state park and wetlands.

4. Public Comment on other Pending Permit Applications

Application 131119-5 N P B C I D Unit 2 C Phase 1
131216-7 N P B C I D Unit 2 C Neighborhood 1

Public Comment: Drew Martin inquired regarding the status of these pending applications because he states there is construction work occurring on the site. Mr. Martin also inquired concerning preservation efforts on the project.

Staff explained that the status of these pending applications and that there are preservation areas assigned in the project which staff would forward to Mr. Martin after the meeting.

C-51 Reservoir Project

Public Comment: Drew Martin (representing himself) inquired regarding pending permits and is concerned with possible environmental impacts to the area. Mr. Martin is concerned that this project will be a financial burden on the District something he does not want to see it happen.

Staff explained that Phase 1 of the project has been permitted. However, the consumptive use permit is on hold pending further information from the applicant and various utilities. Staff briefly explained the current status of the project and the future phases that would be required prior to finalization and approval.

5. Public Comment on General Regulatory Issues

Public Comment: Drew Martin inquired regarding general regulatory issues for permitting. Mr. Martin is concerned that FPL may be getting special consideration, stemming from the many groups that have come out to speak against such a project. Mr. Martin expressed concern regarding how these cooling canals have been managed in the past. He is concerned with the possible endangerment or damage that maybe caused to the American Crocodiles by the approval of this permit. Mr. Martin inquired concerning the issuance of 20 year permits commenting that it seems to be a long period of time and clarified that the Sierra Club is against the issuance of a 20 year permit.

Staff gave a brief explanation of the regulation of power plants. Explaining that power plants are regulated under the Power Plant Siting Act and that DEP is the controlling agency to which all other agency would submit their review and comments for evaluation and issuance. The District has the authority to review and make comments as they would with any other permit the District issues. Staff explained that for a consumptive use permit volume and duration are variable components and it is not uncommon for Public Utilities to be granted a 20 year permit if they meet all the requirements. Staff assured him that permits are not issued without evaluation, assurances and careful consideration of the proposed application. The review process has in instances called for a change of the applicant's proposal to meet permitting guidelines.

Public Comment: Carolina McLaughlin does not believe that this project falls under the Power Plant Site Certification and believes it should remain with the District due to the mission of the District being protecting the water resources of the region and the permitting of these waters for beneficial uses.

Staff explained that jurisdiction of this permit is a legal argument that we are not qualified to address in this meeting.

6. Adjourn

The meeting was adjourned at 11:05 a.m.