

Meeting Minutes
**WATER QUALITY PROTECTION PROGRAM CANAL
RESTORATION ADVISORY SUBCOMMITTEE**
February 28, 2014

9:00 am – 12:25 pm
Marathon Government Center, Board Meeting Room
2798 Overseas Highway, Marathon, FL 33050

Member and Advisory Attendees: Gus Rios - FDEP; Mayor George Neugent – Monroe County; Susan Sprunt - Islamorada; Commissioner John DeNeale - Key Colony Beach; George Garrett - Marathon; Skip Haring - Layton; Charlie Causey – WQPP SC Member; Billy Causey – FKNMS NOAA; John Hunt – FWC/FWRI; Steven Blackburn – USEPA (on the phone)

Members not in Attendance: Alison Higgins – Key West

Advisory: Rhonda Haag – Monroe County; Michael Roberts – Monroe County; Wendy Blondin – AMEC; Annie McGreenery – FWC/FWRI (meeting minutes)

Guest Speakers: Nancy Diersing – FKNMS NOA.

Permitting Team: Ivan Fannin – USACOE (on the phone); Joanne Delaney – NOAA FKNMS (on the phone)

FIU Monitoring Program: Henry Briceno – FIU; Jim Fourqurean - FIU.

1. **Introduction and Approval of the December 12, 2013 Meeting Minutes.** Gus Rios called the meeting to order at 9:05 am. **Mayor George Neugent moved** that the Minutes from the January 31st meeting be approved and **Billy Causey seconded**, all approved.

Gus Rios reviewed the agenda for this meeting and items that would be discussed. He introduced some of the permitting team on the phone. Gus pointed out that during Public Comments item each person from the Public has 3 minutes to speak and encouraged the public to keep to the 3 minute time frame. Gus requested members of the public who wished to speak to sign the Public Comment form.

Gus reviewed the agenda items with the group and the public.

2. **Public Comments # 1 there were no speakers:**
3. **Update from the Village of Islamorada and Monroe County**

Susan Sprunt updated the subcommittee that Islamorada has two demonstration projects which will be weed barriers and one of them, Treasure Harbor, currently has an aeration system. They have completed a water survey, determining the correct depth at the mouth of the canal. AMEC has been contracted by the Village of Islamorada to continue with the permitting process.

Susan pointed out that the Village of Islamorada will be the applicant on the permit. Since it is public money they felt that the Village should be the applicant. Wendy Blondin asked if the Homeowners Association will be assigned the maintenance. Susan said that they have not gotten that far into the process to assign the maintenance part. Wendy pointed out that the maintenance assignment will have

to be determined. The canals are Treasure Harbor (canal # 137) and Lower Matecumbe (canal # 148) they are installing weed barriers in both locations.

Billy Causey felt that the Village of Islamorada is moving along through this process because they have Susan Sprunt involved to ensure it is moving along. He is hoping that other communities realize this kind of involvement is very important.

4. February 12th, 2014 WQPP Steering Committee Meeting

Gus Rios introduced the topic by explaining that the WQPP Steering Committee asked the subcommittee to review the funding for the water monitoring. EPA funds will be used in monitoring all the canals which are part of the demonstration projects.

- **Presentation to the Steering Committee Meeting and input from Steering Committee members – Update**

Gus updated the group on the status of their presentation to the steering committee. The presentation was given by Wendy Blondin and Gus Rios. Rhonda Haag was also present. The presentation was to bring the Steering Committee up-to-date of the process that the Subcommittee took and throughout the period what has been accomplished as well as current issues with the permitting and the requirements that need to be met.

Gus pointed out that the municipalities will be able to use general permits for enhancement and restoration. This will simplify that State permitting process.

On the Federal side Wendy Blondin met with Ivan Fannin from ACOE and Brandon Howard from NOAA discussing long term issues related to endangered species and essential fish habitat. Ivan provided some good ideas to enable the subcommittee to streamline. One suggestion from the Steering Committee was start a process with the Corps for a general permit process for enhancement and restoration. The staff at the Corps is working hard to get a general permit. It is currently a long term process, about 2 years. Billy Causey is talking to various permitting people, providing leadership to expedite this process. There are work load issues, policy issues and internal reviews throughout the issuing process.

Billy Causey pointed out that Stu Santos and Roy Crabtree expressed an interest to have the permitting process move forward for the enhancement and restoration of the Florida Keys Canals. He emphasized how important it is to try and get everyone at the table at the right meeting. Having everyone at the meeting can make a big difference. One of the criteria at these meetings was: "If you can't make the decision, bring those with you who can make the decision." Bring the right decision makers; bring the legal staff so they can converse. None of these canal enhancements and restoration projects will be harming anything; we will be improving the water quality and improving the habitats.

Charlie Causey encourage us to meet with the full Steering Committee, with legal staff, and have this to be a kick-off for a sit down meeting. Have everyone there; the County, the State with all the key players then from that meeting to sit down and work through the concerns and issues. **Charlie Causey** made a **motion** that the Subcommittee request the topic of the general permitting be put on the agenda for the next Steering Committee meeting and that the permitting agencies be available and a legal staff from the Corps be at the meeting, **Billy Causey seconded**, all approved.

Gus Rios asked how to proceed. Should he send an email, on behalf of the subcommittee, to the Steering Committee regarding this motion? **John Hunt** recommended for Gus to email them and make sure that they agree it should go on the agenda. Once they agree then it will be up to them on how to proceed. They may direct Gus to contact the agencies on their behalf but not on our behalf at that point. It seems crucial that the legal staff be present so when folks say something it can be confirmed. **Gus** agreed to present the motion to the Steering Committee.

Gus Rios asked Ivan what advantages are received by asking for a general permit versus an individual permit. **Ivan Fannin** described the differences between a general permit and an individual permit. The general permit is applying for a specific consultation, in this case would be a rehabilitation of the canals for a specified duration, so all of the consultations would be completed for all the other applicable agencies to develop this specific permit. Then later on for however long the permit is good for, as work comes in or we receive applications for restoration we can then issue what is called: "Verification". We verify what is being proposed comply and meets the general permit. This process is a lot quicker, it is an expedited review then the applicant does not have to go back and do the consultations again. The consultations have already been completed to establish the general permit. Some general permits have mitigated measures in them. Nationwide permits are designed to accomplish the same thing.

Gus Rios explained that with a general permit you do everything required for the individual permit, then a review is made to make sure it is the way it is being proposed, example is the AMEC Master Plan. The enhancement and restorations are done in such a way as to not have an impact the species and or habitat. That review takes time because the Corps put the application out for review. However once the general permit is in place, as long as the canal restoration meets A, B, and C then the process can be expedited.

Ivan Fannin explained the process with the example of a GP17 boat lift. When an applicant applies for a boat lift because the general permit is in place and applicable, the process only takes 45 to 60 days to complete.

- **Steering Committee motions for the use of the USEPA Special Studies Funding for FY 2014 (up first motion called for using up to 50% of the funds (up to \$75K) to increase nutrient monitoring (N and P) for the FIU Canal WQ Monitoring. The second motion called for using up to 30% of the remaining \$75K for outreach and public information projects that do not require an RFP and the rest of the funds for other WQPP monitoring projects. During the Feb. 12 meeting, the Steering Committee tasked the Canal Restoration Advisory Subcommittee to review the motions and approve the use of the funds that meets the above referenced criteria. This will require discussion and a vote from the Subcommittee.**

Gus Rios explained the motion from the Steering Committee according to the minutes. The first motion in the morning, Steve Blackburn explained the reason for the funds. Henry Briceno explained that he did not have enough funds to complete the water quality monitoring project for three years, so we wanted to include additional testing with nutrients and phosphorous for the canal restoration project. So in order to include an adequate sampling program \$75,000 was to be allocated for that purpose.

An addition 30% of the \$75,000 is to be used for canal education and outreach. However the funds can only be available through an RFP. The rest of the funds, no specific project was identified could be used for the water protection monitoring program such as canal seagrass

and the coral monitoring program. Some proposals will be presented; the subcommittee will discuss and put the proposal to a vote. One proposal that Sean Morton - NOAA requested to upgrade the website/integration on the Florida Keys National Marine Sanctuary (FKNMS). Upgrading to sea grass coral and benthic communities and the water quality program and reflect an integration of the data.

Steve Blackburn reviewed what the Steering Committee recommended. The total from EPA is up to \$350,000. **Gus Rios** read the email from Steve to confirm.

Part I of the proposal (\$175K total):

- 1)\$75,000 to FIU to conduct nutrient monitoring for canal remediation effectiveness monitoring
- 2)\$60,000 to FFWCC/FWRI to resume surveys of nearshore hardbottom communities and patch reefs
- 3)\$15,000 to FFWCC to update website/integration with NOAA site and others
- 4)\$25,000 to FIU for additional canal seagrass monitoring

Part II of the proposal (up to \$200K total) for special studies:

- 5)Solicit 1 to 3 proposals in the \$50,000 to \$100,000 range. The priorities for the RFP have been determined by the WQPP SC. EPA will get the RFP out by the end of March 2014.

John Hunt perceive the Subcommittee Meeting is twofold: (1) to affirm or not affirm the four projects of Part I of the proposal and (2) come up with a suite of approaches that we would recommend for a special studies. **Steve Blackburn** agreed he is looking for help from the Subcommittee to identify priorities with the RFP's to put back to the Steering Committee.

John Hunt made a **motion** that the subcommittee committee approves the four projects in Part I: \$75,000 to FIU to conduct nutrient monitoring for canal remediation effectiveness monitoring; \$60,000 to FFWCC/FWRI to resume surveys of nearshore hardbottom communities and patch reefs; \$15,000 to FFWCC to update website/integration with NOAA site and others; \$25,000 to FIU for additional canal seagrass monitoring. **Billy Causey seconded**. All approved.

John pointed out that the subcommittees will want come up with a suite of recommendations that can be addressed in the RFP based on the priorities that Steve Blackburn provided in the Bi-Annual document.

Steve Blackburn stated that Part II is a Water Quality planning grant can be used for research studies, monitor, and education. If you do bricks and mortar it would have to be something that has never been tried before such as a demonstration or pilot projects. This is a range of opportunity but it is a competitive process. It would be nice to have about 5 or 6 recommendations. A management team will craft the RFP.

Gus Rios suggested that outreach about the canal restoration would be important. Reaching out to the public to build their knowledge about what the subcommittee is doing would be success. **Rhonda Haag** agreed with Gus, the public has some general knowledge but very few of the realtors, at a meeting, had detailed knowledge regarding the canal restoration project. She feels that the subcommittee is at a critical juncture and does not have the structure in place to engage the community. Educational outreach to the public is a critical part of moving forward.

Charlie Causey suggested that as part of any study it be designated that they have a portion of the study have an outreach method at the end. That is one way for the principal investigators (PI's) and the scientist talk more in laymen terms. What the study means and what it does. It is the low hanging fruit of the study.

John Hunt pointed out that the Steering Committee has asked the Subcommittee made recommendations. So the Subcommittee is serving as a proxy for the management committee which is looking at the whole big picture? The Subcommittee needs to rethink way past canals. **Steve Blackburn** agreed. John continued in saying that we are looking for studies that are either research ideas/areas or outreach. A study that is new and novel. Sponge restoration would be eligible. Mangrove restoration would be eligible. The nutrient recycling from FKCC would be eligible. This would be a place for Barry Ray to propose a new and different novel technology for canal restoration.

John stated that you would frame the RFP to say: the EPA water quality protection plan will entertain proposals that explore the efficacy of new and novel methods to restore canals or water quality. Then it is up to people to come up with a good plan and a good evaluation mechanisms that go beyond just dissolved oxygen. This is what special studies are all about.

Billy Causey suggested considering as this RFP is being put together if a category 2 or 3 Hurricane comes at us, what is the feasibility of doing these studies? He loves demonstration projects but he does not want to go out in the mangroves and see all these demonstration projects.

Jim Fourqurean wanted to make a recommendation to consider an outreach component in the special study. Eileen Soto prepared a proposal for education outreach based on the discussion we had at the last Steering Committee meeting. Eileen's job at FIU is an outreach coordinator to bring science into the community and get the community excited about conservation issues. She has a six prong approach that is out lined in this document. Basically we could get her office to become the spokesperson for the Water Quality Protection Program. **Eileen Soto** discussed her project proposal in detail.

Shelly Kreuger Florida Sea Grant agent for Monroe County presented a two prong idea which is Florida Keys Water Watch – which would be a citizen based water quality monitoring program. The other prong would be education and outreach for canal restoration – it would focus on non-point source pollution, and engage the community in monitoring their own sites throughout Monroe County. She will be working with Mark Butler and Rhonda Haag. Rhonda commented that the County is interested in conducting their own outreach for their demonstration program, and that it would be awkward to have an outside party conduct outreach for a County initiative unless that party was under contract with the County.

Nancy Diersing involved in the Water Quality Protection Program brought up an outreach framework that was created several years ago, 3 pages which was used as a Water Quality outreach mechanism. The plan has targeted audiences, issues the program was dealing with, and ways to disseminate the information. At that time the program was dealing with waste water and waste water education. She is going to send it out to the subcommittee.

John Hunt made a **motion** that reflects a little more detail of what the Subcommittee wants. This also reflects Steve Blackburn statement of the broadness of the Bi-Annual report. He has three areas that are reflecting the discussion of the Subcommittee.

1. Include an outreach component:
 - a. Advance the knowledge and awareness of progress projects that have been moving towards improving Water Quality in the Florida Keys.
 - b. Includes canal restoration, sewers, includes existing projects
 - c. A broader outreach perspectives regarding water quality and water quality protection (this reflects what the FIU approach is and the Sea Grant approach is).
2. Research and development of new and novel approaches to restore Water Quality in canals. The research and development includes the evaluation of success in a rigorous and scientific way as well as an evaluation of what happens in hurricanes.
3. Research and development of new and novel approaches for habitat restoration in sea grass, hardbottom, sponges community, coral reef community, and mangrove community. Evaluation is required and is there a link to the changing of water quality.

George Garrett seconded the motion.

John Hunt made a **motion** in a shorter version: In addition to the Bi-Annual report criteria that this committee recommend that outreach components be explicitly in the RFP and that research and development of new or novel approaches to restore water quality in the canals be in the RFP and research and development of new or novel approaches for habitat restoration be in the RFP.

Susan Sprunt added two outreach components one would being directly related to the local restoration projects and one directly related to the broader category of water quality. All approved.

Wendy Blondin recommended that the outreach not be related to the restoration projects but educating the homeowners in best management practices. This should be related to the Master Plan implementation which includes best management practices and homeowner education. All approved.

Gus Rios stated that the first outreach component to advance in all the general awareness of water quality improvement projects that will include education of homeowners on canals.

John Hunt pointed out that this RFP has two outreach components and two research and development components in addition to the general items that EPA would do.

All approved after the clarifications.

5. Update from Dr. Henry Briceno (FIU), on the WQ Monitoring Program:

Henry Briceno reviewed the Monitoring Plan Summary with the Subcommittee. "The monitoring program includes 336 physical-chemical profiles, 300 diel cycles and 398 water samples, for a total of 3,024 measurements of physical-chemical parameters in profiles; 259,200 measurements during diel cycles (including 28,800 DO); and 2,388 nutrient determinations."

Billy Causey asked Henry if he could review historical data and fine tune the information with this revised program that would help us better interpret the sources of the problem in a small location as opposed to the remedies and the infrastructure going in place. It would be beneficial, to the community to know the effect and differences from the sewer project vs. canal restoration vs. storm water runoff.

6. DEP Grant for Design and Permitting for the Geiger Key Culvert and Sediment Testing – Wendy Blondin

- **Status Report on Pre-application Meetings**

Wendy Blondin reviewed the DEP grant for the culvert at Geiger #472 is pushing this forward due to the requirement of getting the permits by June. When she is meeting with the regulators she is asking questions about all the technologies so the issues will be laid out. She handed out a detailed summary. The summary primarily covered the culvert but also reviewed the aerator system in Treasure Harbor, the air curtain and all the technologies.

AMEC completed the benthic survey for the Geiger Key #472 project due to timing, but it was agreed that the baseline benthic surveys being performed by FIU part of the effectiveness monitoring would be used as part of the permitting process. During the pre-application meeting we had the field methodology approved for all the benthic survey work. We documented that we were covering all the species.

The biggest item that came out of the meeting was that the Corps said we can bring in one application per technology. If Monroe County is not the applicant it could be an issue in the permitting application process in utilizing these expediting features. Islamorada has already agreed to be the applicant.

There was a discussion about a new memorandum was issued from Jacksonville regarding "route to affect." It is a discussion about how the Corps reviewer can look at site conditions and say that a consultation is not required. This is important because it is the consultation that is the delay. Noise is an issue; NOAA provided the guidance threshold values. They were very specific about the construction methodology; how you do things affects the noise level. She is going to research what they need in hand in order to accept it without a consultation. This is a construction issue not a long term noise issue.

It will be true for all the demonstration projects that if we provide enough information then we could be accepted without a consultation.

Michael Roberts pointed out that the problem with noise and the Endangered Species Act it that it is considered harassment – which is making it move from its habitat. He is going to get with the council and encourage the county to be the applicant or co-applicant. Any projects on the right-away Public Works will be the co-applicant. The projects that involve in-canal work that do not necessarily impact county right-a-way require evaluation of who will be the applicant. One concern he has is that all conversations are with Ivan Fannin he is a permit reviewer in the Miami Office, and he is doing an excellent job but we are not getting any streamlining from the top. If these projects are going to meet the time frames that are required for the funding obligations and the grant obligations we need someone talking to the District Engineer in Jacksonville. I am primarily concerned about the time frame on the pilot projects. The biggest time constraint is the Marine Fisheries review.

Wendy Blondin continued that the culvert will have a manatee grate, so no consultation will be needed. They are still talking about mitigation so this is an issue that needs to be raised. There may be minor mangrove impacts. The higher issue is whether there should be a mitigation requirements within the restoration projects.

Billy Causey pointed out that when we have discussion with other agencies we tie all that we are accomplishing is because of the South Florida Ecosystem Restoration. We continue to encourage the help in expediting the process and continue to remind them that we are part of that Ecosystem.

The entire group discussed how to proceed with the permitting process.

Billy Causey suggested that the subcommittee present the current status of the demonstration projects at the South Florida Ecosystem Restoration Task Force. It has a meeting coming up May 1st, 2014. The meeting will be held in West Palm Beach, FL at the District Headquarters. The high levels of agencies will be present. Perhaps we could get a side bar meeting set up. This may be a perfect opportunity and get demonstration projects on the agenda. This would allow us to raise the awareness of what is going on in Monroe County. We need to be sure to give everyone a heads up that the subcommittee would be attending this meeting. Get with Shannon Estonoz Director of Interior requesting to be put on the agenda. Go to the Restore website and it has all the principals listed and their affiliations. You have Federal Government, State Government, as well as local Governments represented as well as two Tribes.

Gus Rios felt that if we could get the subcommittee members attend this meeting it would be beneficial. Perhaps this could expedite the permitting process. The DEP grant and the monitoring are under a time constraint.

The group discussed how to present the Demonstration Projects information in a very short succinct manner as well as who should attend as well as any concerns.

Bill Causey made a **motion** to develop a fact sheet that can be presented to higher level agencies at the South Florida Ecosystem Restoration Task Force. The fact sheet will be used to request a meeting stressing the need to expedite Canal Restoration Demonstration Projects for Monroe County and the Village of Islamorada and perhaps other local government will be funding. The constraint is with an EPA monitoring grant and the DEP grant to fund the Geiger Culvert project will expire if the permitting applications are not approved. As well the importance of improving the Water Quality of the Florida Keys and the Water Quality of the program, the community and the economy of the Florida Keys. **Skip Haring seconded**. All approved.

Billy Causey made a **motion** to try to add this fact sheet presentation as an agenda item; presenter will be Wendy Blondin, at the South Florida Ecosystem Restoration Task Force. The anticipation is that the Task Force will be able to help expedite these projects while meeting and protecting all the endangered species. **George Garrett seconded**. All approved.

Billy Causey recommended that Mayor George Neugent introduce Wendy Blondin at the Task Force meeting. Mayor Neugent agreed. George Garrett recommended that the Village of Islamorada also be present. George Garrett also agreed to be present at the Task Force meeting.

- **Next Steps**

Wendy Blondin notes that she has meet with the Water Management District and they together tried to find general permits that apply to these projects. The main general permit is offered to Municipalities. That is why "who" the applicant is so important. They did confirm that air curtains only had a De Minimus exemption and had no impact.

7. Permit Application Process – Continue Group Discussion Started in January 31st Meeting

Michael Roberts and Wendy Blondin will continue to work on this issue by talking to Monroe County.

- **Who will be the applicant(s) for the selected demo projects**
- **Next Steps to complete the applications and move the projects forward**

8. Public Comment #2: there were no speakers.

9. Next meeting date, place, and agenda topics:

Gus Rios discussed the topics for next meeting: updates to the Subcommittee.

Next meeting is scheduled for **Friday April 11, 2014** at the **Monroe County BOCC** meeting room from 9:00 am to 12:00 pm.

Meeting adjourns at 12:25 pm.