

Loxahatchee River Management Coordinating Council

January 26, 2009 Meeting Minutes

I Call to Order

Chairwoman Sarah Heard called the meeting to order at the Jupiter Community Center at 2:03 after many of the Council members had participated in a morning field trip along the flow-way from the Rock Pits to the Loxahatchee River and lunch at Busch Wildlife Sanctuary.

Plaques recognizing their service to the Council were presented to Rick Dent and Marge Ketter, both of whom have recently ended their terms as Council members.

II Roll Call: Council Members present: Vince Arena, Albrey Arrington, Greg Braun, Ann Broadwell, Rebecca Elliott, Darla Fousek, Sarah Heard, Tom Howard, Chad Kennedy, Pat Magrogan, Peter Merritt, Jim Ostrander, Sam Payson, Karen Smith, Richard Walesky and Herb Zebuth.

III Approval of Minutes from September 29, 2008

The minutes were unanimously approved without change.

IV.A Election of Officers

A Motion by K. Smith that S. Heard be re-elected as Chair was seconded and approved unanimously. A Motion by T. Howard that H. Zebuth be re-elected as vice-chair was seconded and approved unanimously. A J. Ostrander Motion that G. Braun be re-elected as Secretary was seconded and approved unanimously.

III.B Update on the Seacoast Utilities Water Use Permit

Terri Bates (SFWMD) introduced this topic, which was presented by Steve Memberg of SFWMD's water regulation division using a Power Point presentation. Seacoast Utilities' service area was described including their four well fields – Hood Rd, Palm Beach Gardens, North Palm and Burma Rd. The utility has been in existence since 1976, and current permitted water use is 19.31 MGD. WMD is reviewing a permit application that requests 19.46 MGD withdrawal, based on an increase in population and similar per capita water use of 190 gallons/day. WMD is reviewing the extent to which the water withdrawal may affect water availability for the Loxahatchee River, mindful that the River does not currently meet the adopted MFL standard. The District's present analysis indicates that the requested withdrawal will not result in any direct or indirect withdrawal from the MFL waterbody, and will not contribute to the current MFL non-compliance; Analysis of drawdown of surface wetlands continues, but the effect on the Loxahatchee Slough is thought to be less than 0.1'. A Q & A exchange with Council member ensued.

III.C Review and Discuss Administrative Recommendations

Recommendations for enhancing productivity of the Council provided by member K. Smith (memo dated Sept. 29, 2008, copy attached) were discussed. Recommendations on which the Council took action included:

Item 1 – Adhere to Robert's Rules of Order. After much discussion, there was agreement that the current policy of the Council (and the Chair) promoting open discussion of items is appropriate and no substantive operational changes are warranted at this time.

Item 2, 4th bullet – public speaking: It was agreed that it would be appropriate to have opportunities for public comment both: a) related to a specific agenda item before a Council vote and b) near the end of each meeting for comments not related to a specific agenda item. It was also agreed that the chair should continue to have discretion regarding the time allowance for each speaker.

The Council agreed that WMD and DEP representatives should continue to use their best judgment as to the threshold of activities that should be reviewed as agenda items.

Item 3 – Minutes. After discussion, **a Motion by J. Ostrander that “The minutes be viewed as a record of the business we conduct whether we vote upon it or not and that it be used as an anthology of what comes up before this Council as it is has been in recent years”**, was seconded by H. Zebuth and approved by majority vote.

Item 4 – Manage Presentations. With no objections being voiced, it was agreed that implementation of these recommendations is desirable.

Item 5 – Defining the District’s Support Role. With no objections being voiced, it was agreed that implementation of these recommendations is desirable.

Recommendations for Membership. Discussion ensued on various points. Regarding “Other Participating Agencies”, **T. Howard moved that the Chair be authorized to send a letter to member agencies listed # 12-19 welcoming their input, thanking them for their previous input on the Council and requesting their determination as to their willingness to continue as voting members of the Council.** Motion seconded by S. Payson. **Further discussion ensued, including the potential benefit of requesting review/approval by a representative of DEP and WMD prior to sending out the letters, which was added as an amendment to the Motion. A Motion by H. Zebuth to “Call the Question” was seconded and approved unanimously. Vote on the T. Howard Motion then approved by majority.**

Membership sub-item 4. Discussion; no action taken.

Membership sub-item 5. Discussion; various motions made but not seconded; no action taken.

A Motion was made by R. Walesky that the Council adopt a policy that would allow an individual or a member of this Council to contact the Chair (or raise at a meeting of the Council) making a recommendation for a new organization to either be added to the Council or to fulfill a vacant seat and that after an affirmative vote, that the recommendation be forwarded to the DEP or Governing Board for approval or denial. After a second and discussion, the Motion was withdrawn, but it was agreed that this topic should be discussed as an agenda item at the next meeting.

A. Arrington suggested that the future Agenda item include: 1) Discussion as to the legal authority of FDEP and SFWMD to actively delete the seat of an existing Council Member; and 2) Development of a process through which an individual who would like to serve on the Council, advises a sitting member of the Council, preferably the WMD or DEP, which would bring that person’s interest as a discussion item at a Council meeting for potential recommendation to WMD and DEP for approval. J. Ostrander suggested that the future discussion include a distinction between the authority of WMD and DEP to consider the agency/organization being represented, not the specific individual who would represent that agency/organization.

Dick Roberts (retired - Florida Park Service) indicated; 1) the desire out the outset of the Council that the conservation organizations represented on the Council be rotated on a frequent basis to allow broad input, and; 2) his recommendation that the Park Service be considered as a member of the Council.

IV.D Wild and Scenic River Plan Update

Rob Rossmannith (Florida Park Service) reminded the Council that four chapters of the updated Plan have been reviewed by the Council, and introduced Diane Hughes (Florida Park Service) who requested that a sub-committee of the Council be established that would meet regularly to renew forward action on updating the Plan. Members discussed how to complete this action while maintaining compliance with the Sunshine Law. Members K. Smith and R. Walesky offered that WMD and County Environmental Resources Management staff could meet with Ms. Hughes and Mr. Rossmannith to make progress on the Plan.

VI. Public Comments

Paul Millar (Martin County) advised of the proposed revisions to the Farm Bill that, if approved, would prevent local governments, including water management districts, counties and municipalities from being eligible for Wetland Reserve Program funds.

D. Roberts advised of the availability of a recently-published report regarding vegetational changes related to salt water intrusion in the Loxahatchee River.

VII. Council Comments

R. Rossmannith indicated that the Park Service is updating the Unit Management Plan for Jonathan Dickinson State Park. There will be opportunities for public input on the Plan, which is scheduled for completion in 2010.

P. Merritt advised that the Treasure Coast Regional Planning Council has received an application for a Development of Regional Impact for Phase II of the Scripps project, for activities proposed south of Donald Ross Rd.

C. Kennedy advised of the issuance of the FDEP permit for restoration work on the Nine Gems property, and P. Millar indicated that Martin County intends to initiate removal of invasive pest plants and restoration of hydrological conditions (pursuant to joint funding by Martin Co. and the Loxahatchee River Preservation Initiative) after the Corps permit is issued. A. Arrington suggested that this would be a good success story to hear about at a future Council meeting.

H. Zebuth asked that WMD provide an update in the future about flows to the River.

SFWMD (incl. Gardenia Long), FDEP and the River District were thanked for providing the morning tour and lunch.

J. Ostrander suggested a need to improve follow-up on Council actions/recommendations.

VIII. Announcements

None

IX. Adjournment

With no further action items, the meeting was adjourned at approximately 5 PM.

Respectfully Submitted,

Greg Braun, Secretary