

## Loxahatchee River Management Coordinating Council

March 30, 2009 Meeting Minutes

### I Call to Order

Chairwoman Sarah Heard called the meeting to order at the Jupiter Community Center at approximately 2:00.

II Roll Call: Council Members present: Albrey Arrington, Ann Broadwell, Rebecca Elliott, Gale English, Dianne Hughes (alternate for Chad Kennedy), George Jones (alternate for Greg Braun) Sarah Heard, Tom Howard, Pat Magrogan, Peter Merritt, Jim Ostrander, Sam Payson, Richard Walesky and Herb Zebuth.

### III Approval of Minutes from January 26, 2009

The minutes were unanimously approved after a modification was made to Item 5 of the Administrative Recommendations (Page 2) to state that the recommendations for defining the District's Support Role "were discussed".

### IV.A Proposal to Amend Bylaws

J. Ostrander led a discussion of his recommendations for three amendments to the bylaws (as distributed to the Council electronically on March 15, with an additional page distributed today – copies attached). **A motion by G. English was made to postpone a decision on this matter to a later date. Motion seconded by T. Howard. Substitute Motion by R. Walesky that the amendments (by-laws ?) are adequate to do the business of the Council and that we are unprepared to make additional changes at this time. Substitute motion seconded by G. English.** P. Merritt requested that if there is discussion on this in the future that versions be provided in strike-through and underline format to allow easier understanding of what is proposed. **Substitute motion approved by majority.**

### III.B Follow-up in Administrative Recommendations

No discussion – item deferred.

### III.C New Initiatives to Enhance Flows to the River

Terrie Bates (SFWMD) introduced Ashie Akpoji (SFWMD) who provided a Power Point history of the L-8 Reservoir, canal improvements, the Loxahatchee Slough, the MFL for the River, the G-92 structure, Lainhart Dam and the July 2008 test of flow-way #1. Key issues include adequate water quantity, adequate infrastructure to move the water, preventing adverse impacts in the Grassy Waters Preserve, adequate water quality and the inability to use G-161 for flood control. Various improvements have been completed, others are underway, culverts were recently opened to help provide water to the River, but during the dry season, there is presently no additional water available to direct to the River.

As a result of the agreement between SFWMD and the City of West Palm Beach, water cannot be directed from Grassy Waters when the water level is below elevation 17.5'; presently rock pits water is not available due to lower levels that resulted from a seepage test of the system.

SFWMD advised that there are no plans to construct a water control structure on the west leg of the C-18. There had been some discussion of adding weirs at this location during the development of CERP, but it was determined that it was not feasible due to concerns about flooding.

H. Zebuth noted that the two elements of the MFL are the 35 cfs flow and related issues regarding salinity. Mr. Akpoji confirmed the District's concern about salinity and advised that salinity is monitored at River Mile 9.1. Mr. Zebuth asked that future updates by SFWMD about supplying water to the River include information about meeting salinity goals.

Coordination continues between SFWMD and the City of West Palm Beach regarding movement of water.

Chairman Heard noted that the flow test was performed during the rainy season and speculated if L-8 Reservoir water quality would be acceptable during the dry season. Mr. Akpoji indicated that further tests will be necessary to determine water quality during different seasons.

#### IV.D Wild and Scenic Management Plan Status

Dianne Hughes indicated that the sub-committee has met and determined that substantial re-writes are necessary for Chapters 3 & 4, but that an updated draft is not yet available. A suggestion has been made to consider developing a list of priority activities that should be conducted during the next five years. The sub-committee (Albrey Arrington/Bud Howard, Rob Rossmanith, Paul Millar, Melissa Tolbert, Ann Broadwell, Lynn Kelly, and Boyd Gunsalus) intends to meet approximately every two weeks. It was suggested that SFWMD's legal department be consulted to determine what actions, if any, should be undertaken to ensure that meetings of the sub-committee comply with Sunshine Law requirements.

H. Zebuth requested that chapters be transmitted to the Council as they become available, rather than releasing the entire document for review at one time.

#### IV.E Exotic Plan Update

Rob Rossmanith and Mike Yustin (Martin County Environmental Lands Division) updated the Council on land management activities regarding control of invasive pest plants, including: 1) Initial removal of downy rose myrtle, *Lygodium*, and Java plum; and 2) Maintenance removal of areas previously treated. Funding has been jointly by the Loxahatchee River Preservation Initiative (LRPI) and FDEP and has so far exceeded \$1.5 million. Future work will involve backfilling ditches, which may involve a presentation at a future Council meeting serving as a public hearing.

It was noted that remnants of previously-treated *Lygodium* are minimal, likely because it has been removed during management burns that were conducted after the initial treatment. *Lygodium* moths have been released and are showing good promise for control.

Mike Yustin described Martin County's management activities on Cypress Creek, Culpepper Ranch and Pal-Mar East/Nine Gems. Land management activities include removal of invasive plants, hydrologic restoration and fire management. At Cypress Creek, *Lygodium*, downy rose myrtle and Brazilian peppers are the biggest problems; a winter-time aerial herbicide application cost approximately \$35,000 to treat a 100 acre area that was dominated by invasive plants. Funding (including some from SFWMD) is also available for additional on-the-ground exotic species control.

Culpepper Ranch – \$850,000 funding provided by LRPI for exotic species control – to include aerial treatment, hand re-treatment. Mechanical height reduction appears necessary prior to implementing fire management activities. Hydrologic restoration is also necessary

Pal-Mar-East/Nine Gems – approximately 3,000 acres. SFWMD is overseeing exotic species control, which has been initiated but the majority of the work remains to be done. Ditch plugs will be installed to try to restore hydrologic conditions. Mechanical height reduction of vegetation will also be necessary here prior to fire management..

V. Updates from Member Agency/Organization Activities

VI. Public Comments

Marge Ketter indicated her disappointment that: 1) the Council did not take public comment prior to voting on an issue earlier in this meeting (in spite of agreeing to do so at a previous meeting), 2) that the Council did not take action on the proposed by-law amendments and 3) her opinion that the District and FDEP should not have the authority to dismiss Council members at will. Ms. Ketter advised that she returned the recognition plaque that had been given to her at the last meeting. She returned it to FDEP Secretary Mike Sole because she felt it had been presented in a disingenuous manner at the time that she was removed from the Council by FDEP.

Rick Dent complimented SFWMD for making improvements to the water management system and posed 3 questions: 1) If additional water could be stored in the Loxahatchee Slough, would it have a significant advantage in stretching out the drawdown and reducing dry-season impacts on the River? 2) If the quality of water in the L-8 Reservoir was acceptable, what would be the infrastructure impediments that are preventing providing water to the River? SFWMD's Ashie Akpoji responded that the major impediments are a) Upgrades at Control 2 (a pumping station on the M Canal), b) The need to install adequate pumps at the L-8 Reservoir and c) Moving water from Grassy Water to G-161. 3) What could the Council do to help the parties succeed in getting more flow to the River? SFWMD's Terrie Bates suggested that advocacy for the District's budget items for River-related activities would be helpful.

H. Zebuth requested that the District consider holding more wet-season water in the Loxahatchee Slough. Mr. Akpoji confirmed that the District is considering that alternative.

A. Arrington suggested that an update to the Council be provided in approximately six months on the status of negotiations between SFWMD and the City of W. Palm Beach for management of water levels in the Grassy Water Preserve.

**A. Arrington made a motion that the Council support SFWMD's initiatives to make improvements at the Control 2 Pump Station and the East Perimeter Canal and finalize agreements with other agencies and incorporate those needs into the budget process, in order to meet the MFL for the Loxahatchee River and to reduce salt water intrusion. Motion seconded and approved unanimously.**

VII. Council Comments

H. Zebuth indicated his displeasure with the wording of the letter he received from the Chairman regarding continued membership/attendance at Council meetings. Various motions were made but unseconded in attempts to rectify/clarify the Council's position regarding membership, which ended with Chairman Heard's indication that it is the Council's desire to have the membership of the Council be as broad as possible and encourage active participation from its members and to table further discussion of this matter to the next Council meeting.

A. Broadwell suggested it may be helpful to have a professional mediator/facilitator help the Council understand its mission and the managerial nuances of its implementation.

G. Jones observed that the Council's charge is to receive input from various governmental and non-governmental constituencies regarding management of the River. The discussion of these opinions in the public forum of Council meetings demonstrates the need for on-going input.

J. Ostrander suggested that a separate workshop be conducted to discuss inconsistencies between the enabling language, bylaws, and the Council's current operating procedures.

Regarding identification of future agenda items, A. Arrington suggested that discussion of good things that have taken place to benefit the River in the recent past should be topics of discussion.

VIII. Announcements

None

IX. Adjournment

With no further action items, the meeting was adjourned.

Respectfully Submitted,

Greg Braun, Secretary