

DRAFT
Loxahatchee River Management Coordinating Council
September 25, 2006 Meeting Minutes

* Denotes Council Member

I Call to Order

*Chairman Tom Howard, JID, called the Council to order at 2:02 PM. He told the Council that he had an announcement about the June meeting motion that, “the Council supports the land use change from citrus to sod farming on the Cypress Creek property”. It had been announced that the motion had failed on a tie 8 to 8 vote. However, since the last meeting it has been determined that the Florida Department of Transportation had not provided the Council with a letter appointing Christy Pritchard as an alternate representative. Therefore, she was ineligible to vote. With her vote removed, the motion actually passed on an 8 to 7 vote.

II Roll Call

The roll was called and a quorum was present.

III Approval of Minutes from June 26, 2006 Meeting

*David Levy, Palm Beach Gardens, and *Pat Magrogan, Landowner Rep, each recommended correcting a misspelled name in the June Draft Minutes. With those two amendments made, the minutes were approved unanimously.

IV. A. Update on Progress & Development on the Initial Water Reservation for the Northwest of the Loxahatchee River

Pat Walker, SFWMD, told the Council that there was nothing new to bring to the Council on the Initial Water Reservation for the Loxahatchee River. Modeling problems had delayed the process. In addition, Dave Swift, SFWMD, the project leader, had been ill. Pat informed the Council that peer review of the Loxahatchee River Restoration Plan would take place at the SFWMD Headquarters Building on September 27th.

IV. B. Update on the G-92 Replacement Structure

Susan Sylvester, SFWMD, provided the Council with a handout regarding the G-92 Structure replacement. The new structure would be a single-barrel, concrete box culvert with a design capacity of 400 cfs instead of the originally proposed 800 cfs. It would be constructed slightly to the west of the current structure. The old structure will be removed after completion of the new structure, ensuring no interruption in service.

*Susan Kennedy, Tequesta, asked if the old structure area would be filled to level the canal bank and if a canoe portage would be provided. She also wanted to know when construction would begin. The Ocean to Lake Hike would be using the canal bank in that location. Susan Sylvester, SFWMD, said the canal bank would be leveled after removal of the old structure. Construction funding had been approved for Fiscal Year 2008. She was unsure if canoe portage would be provided, but said she would find out. *Chairman Howard, JID, said additional information could be emailed to Gardenia Long, SFWMD. Paul Millar, Martin Co, said he was concerned when he learned that the existing structure capacity was planned

to be doubled. He appreciated that the SFWMD listened to those concerns and reduced the proposed structures capacity.

IV. C. Update on Mecca Farms

*Rich Walesky, Palm Beach Co, provided the Council with a copy of a newspaper article titled "Homes Will Sprout At Mecca Farms", and a copy of a Palm Beach County Commission workshop agenda item staff report titled "Mecca Farms Alternative Uses Site Report". *Rich told the Council that when it was decided to locate the Scripps Research Institute on Mecca Farms, the area was removed from the Sector Plan. Since Scripps has been moved, the area would again be made a part of the planning effort along with Callery-Judge Groves and Indian Trail Groves. The county commission wanted to recover the \$60 million Mecca Farms purchase price as well as the \$60 million Scripps infrastructure costs. At the workshop, the favored concept was a town center development with a density of 2 units per acre clustered on ½ of the property. Some affordable housing, retail, office and light industrial use would be provided. A 250 acre flow-way was still favored for a portion of the site. A trail head would be needed to access county natural areas, the Corbett Wildlife Management Area and for the Ocean to Lake Trail. Traffic impacts would require roadway improvements to Seminole Pratt Whitney Road, Northlake Blvd. and the extension of PGA Blvd. New traffic models indicated the paved roads in the Acreage were underutilized. *Rich noted that a flyover of the CSX Railroad Tracks might be needed that could impact area residents; and that Palm Beach Gardens did not support the extension of PGA Blvd. The planning process has just begun.

*David Levy, Palm Beach Gardens, said he thought the proposal was leap frog development and would contribute to urban sprawl. *Greg Braun, Martin Co Conservation Rep, asked if the proposed Corbett power substation was still included in development plans. *Rich Walesky, Palm Beach Co, said that the issue had not been discussed. *Peter Merritt, TCRPC, said that Mecca Farms was the only property that was located in an area that allowed it to provide environmental benefits. He suggested that the county could sell the site's 4,000 development units including commercial development to recoup their property costs. *Rich pointed out that the county already owned 8,000 development rights but had approved higher densities without selling any rights it already owned. *Melanie Peterson, Palm Beach Co Farm Bureau, was concerned that the development density proposed for the Mecca site would have an impact upon the surrounding conservation lands. She also wanted to know which Acreage roads were considered underutilized. She thought paved roads in the Acreage were already clogged and the proposed development on the Callery-Judge site included a connection to those roads that would only increase traffic. *Rich said the county's new traffic model determined that the paved roads in the Acreage, such as Tangerine, Hamlin, and Orange were underutilized. *Herb Zebuth, Palm Beach Co Conservation Rep, asked if consideration had been given to the fact that roads in the Acreage are privately owned. *Rich said the issue was not discussed.

*Marge Ketter, At-Large Rep, said that long before the Scripps development and flow-way were proposed, the SFWMD had proposed using Mecca Farms for a water storage reservoir. She suggested that the county work with the SFWMD to find the funds to allow the reservoir plan to move forward. *Rich Walesky, Palm Beach Co, noted that Mecca Farms is for sale. *Tom Howard, JID, said he was surprised an alternative that puts the property to environmental uses was not considered. Such uses could provide benefits that would

eliminate the requirement that the county recoup the money it has spent. *Rich said that county staff had provided three alternatives for commission consideration. The Palm Beach County Commission selected a density higher than any proposed by staff. *David Levy, Palm Beach Gardens, suggested that issues such as the Vavrus property and the opinion of area municipalities had not been adequately considered. *Melanie Peterson, Palm Beach Co Farm Bureau, and *Susan Kennedy, Tequesta, discussed public concern for open space and the diversity of opinion among county commissioners regarding appropriate western development. *Rich told the Council that the county was currently in litigation with the Florida Department of Community Affairs regarding the Sector Plan. He said the county would be meeting with all the large development interests in the area to revise the Sector Plan. *Susan Kennedy, Tequesta, noted that the Sector Plan was on hold until November when the parties were to report to the judge.

*Tom Howard, JID, asked *Rich or Mike Voich, SFWMD, if draft plans existed that would utilize the 2,000 acres of the Mecca site for both a flow-way and a storage reservoir. Mike Voich said they had looked at having nothing on Mecca, having a reservoir, and having a flow-way. They chose a flow-way. *Rick Dent, LRECD, said his concern was that the county's decision should be helpful and not harmful to the Loxahatchee River. *Susan Kennedy, Tequesta, suggested Mecca Farms might serve as a stormwater treatment area to improve the water quality of the discharge from the Indian Trail Improvement District. Paul Millar, Martin Co, had concerns that development on Mecca could be harmful. He noted that the Caloosa development already had limited discharge capacity into the C-18 Canal. Patrick Hayes, Martin Co Soil & Water Conservation District, expressed concern about the current lack of water storage in the western C-18 Basin. New development such as proposed on Mecca Farms would increase drainage in the basin. He wanted to see continued discussion regarding the storage needs of the basin. *Herb Zebuth, Palm Beach Co Conservation Rep, stated that the Loxahatchee River suffered from both a lack of freshwater during the dry season and harmful high flows during the wet season that caused erosion and devastated the estuary. Some CERP proposals such as higher wet season water levels in the Grassy Water Preserve, redirection of Grassy Water Preserve flood control discharges from the C-17 Canal to the C-18 Canal, and a new connection between the L-8 Basin and the western C-18 Basin could make wet season conditions worse. *Herb said that it remained to be proven that the proposed flow-way could provide any significant assistance to the C-18 Basin and the estuary during heavy rainfall periods.

*Greg Braun, Martin Co Conservation Rep, offered a motion stating the Council's objection to intense development on Mecca Farms and support for environmental uses. *Rick Dent, LRECD, seconded the motion. *Peter Merritt, TCRPC, suggested the motion be amended to remove the term intensive development and include reference to the transfer of development rights. *David Levy, Palm Beach Gardens, wanted reference to urban sprawl included since approval of development on Mecca Farms would put pressure on Palm Beach Gardens to increase density on the Vavrus property. *Tom Howard, JID, suggested that the motion be relevant to the health of the Loxahatchee River and not carry too much other baggage. *Marge Ketter, At-Large Rep, wanted it noted that development in the area would impact the river, while *David Levy, Palm Beach Gardens, thought that development's effects upon the basin's water quality and quantity were important factors. *Chairman Howard, JID, asked *Greg, *David, *Peter and *Herb, the Council Secretary, to get together during a brief Council recess to consolidate the various thoughts into a revised motion for consideration by

the Council. The Secretary presented the following motion to the Council, which was acceptable to the maker and second of the original motion:

“In recognition that Mecca Farms is one of the last large undeveloped tracts in the C-18 Basin in Palm Beach County, the Loxahatchee River Management Coordinating Council recommends that the Palm Beach County Board of County Commissioners not pursue development on the Mecca Farms property. We encourage the Board of County Commissioners to work with the South Florida Water Management District and the U. S. Army Corps of Engineers to pursue environmental enhancements on Mecca Farms to improve water storage, water quality and water quantity and to further the restoration of the Loxahatchee River. We encourage the Board of County Commissioners to pursue the transfer of development rights off of the Mecca Farms property as a way to recoup expenditures already made in the Scripps proposal on the Mecca Farms site. Development of the Mecca Farms site would encourage urban sprawl in the C-18 Basin and be detrimental to the Federal Wild and Scenic Northwest Fork of the Loxahatchee River.”

The motion passed with 16 votes in favor, 2 votes opposed, and the Palm Beach County representative abstaining. *Marge Ketter, At-Large Rep, asked that copies of the motion and letter to the Board of County Commissioners be sent to SFWMD and the US Army Corps of Engineers. *David Levy, Palm Beach Gardens, asked the Council members also be provided a copy.

IV. D. Status Update on the North Palm Beach CERP Project

Mike Voich, SFWMD, gave the Council a description of the North Palm Beach CERP Project area and an update on its progress. Flow-way 1 construction would be completed by the middle of 2008, providing 45,000 to 48,000 acre-feet of water storage. Construction to increase canal capacity between the L-8 rock pit storage and the Control 2 Pump Station on the M Canal has been included in the 2007 fiscal year budget. The City of West Palm Beach has money in the budget to finish the widening of the M Canal east of the Control 2 Pump Station. Construction of the G-161 Structure containing three 72 inch culverts would be finished in about two months. It would be operated to slowly reestablish the surface water connection between the parts of the Grassy Waters Preserve north and south of Northlake Blvd. In cooperation with West Palm Beach, a bridge on Northlake Blvd. will later be added on the west side of the preserve allowing a canoe to pass under the road. The G-160 Structure will control the water level in the Loxahatchee Slough with the maximum level to be 17.5 feet NGVD. As water levels have slowly been raised, no impact has been observed in the water levels of the developed area east of the Slough. As Slough water levels reach their maximum, there could be a potential problem with the flooding of the sub-base of PGA Blvd. The SFWMD was working with FDOT to resolve the issue. Palm Beach County had been removing exotic vegetation from the Slough and was also filling the old Gentle Ben Canal.

Mike Voich, SFWMD, described Flow-way 2 as extending from the L-8 Reservoir through the C-18W Canal and under the Beeline Highway. Water levels would be raised in the new canal system between the L-8 Canal and the Beeline Highway to improve hydrological conditions in the Corbett Wildlife Management Area. This would require improvement to

the Indian Trails Improvement District's MO Canal, which would also improve flood protection within the District. They had also been working with the Mecca Farms DRI process to develop the new flow-way to connect the MO Canal to the C-18W Canal. A 1,000 cfs pump would be added to move water to both the L-8 Reservoir during high discharge events at the S-46 Structure and from the reservoir to the river during dry periods.

Mike Voich, SFWMD, said that Flow-way 3 would provide improved flow from other tributaries to the Loxahatchee River and cost between \$100 million and \$120 million. Part of the plan was to re-route discharges from the Ranch Colony Canal as sheet-flow through new wetlands on the former orange groves and Cypress Creek; and to raise water levels on the Nine Gems property by raising the boards controlling the existing drainage system. Mike said he was working with Martin on a number of projects in the area.

Mike Voich, SFWMD, described Flow-way 4 as a safety net. It would connect the St. Lucie Canal to Cypress Creek if additional water was needed. There was some concern about adequate water availability in the C-44 Canal during droughts. The connection already exists through existing agricultural drainage systems. A lot of modeling work was still required for this flow-way. He said they could take this flow-way off the table if the Council thought it was not needed or desirable.

Mike Voich, SFWMD, said the SFWMD was still working to complete calibration and verification of the LEC Regional Model. It had been through two peer reviews and they were working to incorporate the peer review suggestions into the model. Model results were expected to be available in November. They needed to establish project cost estimates as well as estimate the net improvement in project area Habitat Units. A Project Delivery Team meeting would occur when model results were available. A call-in number would be set up for those who could not attend in person. A public workshop would then be held. An alternative formulation meeting would occur in early 2007, and the Project Implementation Report would be completed in mid-2007.

*Susan Kennedy, Tequesta, asked if Flow-way 3 would flow under the new Seminole Pratt Whitney Road. Paul Millar, Martin Co, said culverts already exist that connect Corbett to the C-18W Canal. He said he felt strongly that water should not be stolen from Palmar; only excess water should be removed. *Susan Kennedy, Tequesta, then asked what the water elevation would be in the new Flow-way 2 canal system connecting the L-8 Canal through the C-18W Canal to the Beeline Highway. Mike Voich, SFWMD, said the current water control elevation was 17.6 feet NGVD and would be raised to 19 feet. He said they were working with Mecca Farms which would have an 18 feet control elevation.

*Marge Ketter, At-Large Rep, said she wanted Flow-way 4 removed from further consideration. The people of Martin County had purchased land to improve flows in Cypress Creek and Kitching Creek. She was afraid that connection to the C-44 Canal would introduce flow with poor water quality into the basin, and was surprised to hear that such a connection already existed. She said the Council should recommend that Flow-way 4 be removed from further consideration. Paul Millar, Martin Co, said Martin County's Council representative *Sarah Heard had a motion she wanted the Council to consider:

“The Loxahatchee River Coordination Council recommends to the South Florida Water Management District and North Palm Beach County CERP partners, the U.S. Army Corps of Engineers, that further analysis of the flow way connecting the St. Lucie Canal (C-44) to the Loxahatchee River (referred to as flow way 4) be deferred. Furthermore, that staff time and modeling analysis be focused on the timely completion of the North Palm Beach County CERP Project Implementation Report (PIR). Should the restoration flows for the Northwest Fork of the Loxahatchee River as defined in the “Restoration Plan for the Northwest Fork of the Loxahatchee River” not be achieved through a combination of Cypress Creek (flow way 3) and Kitching Creek Restoration, further analysis of flow way 4 can be re-addressed.”

*Marge Ketter, At-Large Rep, introduced the resolution and *Susan Kennedy, Tequesta seconded the motion. *Herb Zebuth, Palm Beach Co Conservation Rep, said this issue had been addressed and rejected by the Council several meeting ago. *Herb felt that a potential tool should not be removed from the tool box before it was determined if it would be needed. Model results were supposed to be available in November, which would answer the question of need. The plan formulation process as well as the permitting agencies would not allow the flow-way to cause water quality impacts in the basin. A stormwater treatment area (STA) would be required to protect water quality. *Herb felt that all options should be available until there was evidence they were not needed. *Rick Dent, LRECD, said they had already looked at water quality in the C-44 Canal and it was poor. *Darla Fousek, US Fish and Wildlife Service, said her agency was involved with the Corps of Engineers on many projects. There would have to be scientific evidence to justify elimination of an alternative from the process. Simply acknowledging poor water quality in the C-44 Canal was insufficient since the use of STAs could solve that problem. Mike Voich, SFWMD, said that as head of planning, he recommended removing the flow-way from consideration. The question was called and the motion was defeated on a vote of 8 in favor and 11 opposed.

*Rick Dent, LRECD, said that current plans would direct several thousand cfs of flow into the river basin. He provided the Council a handout with graphs of wet and dry season flows over Lainhart Dam during 2001 and 2004. *Rick said these graphs showed that the river needed only about 100 cfs of additional flow during the wet season and about an additional 110 cfs during the dry season. In addition, about 50 cfs was needed for water supply and 5 to 15 cfs to replace evapotranspiration. *Rick wanted to know why we were planning to be able to send 2,000 cfs into the basin if only 200 cfs were needed. Although the back pumping of Flow-way 2 sounded good, when could it be used? When it was wet, it was generally wet over the entire area and the Indian Trails Improvement District which would also discharges into Flow-way 2 already has flood control problems. *Rick expressed the idea that the Council might want to recommend limiting the capacity of discharges into the basin. *Herb Zebuth, Palm Beach County Conservation Rep, said that the suggestion of connecting the C-18W Canal to the L-8 Canal has always raised fears that additional flood control released would increase impacts to the Loxahatchee Estuary. He felt it was extremely important to study the modeling results to determine what was happening during high rainfall events. *Herb said the Council could not let a CERP restoration project be turned into a great water supply and flood control project but an environmental disaster. *Susan Kennedy, Tequesta, said that when you combine the 1,000 cfs pump on Flow-way 2, with the redirection of some of the C-17 Canal flows north in the Grassy Waters Preserve,

and the increase in Loxahatchee Slough flows from 180 cfs to 1,000 cfs you have a lot of additional water. It took a number of expensive projects to create that extra water. *Susan wanted to know how peak discharges would be handled and what impacts would occur.

IV. E. Loxahatchee National Wild and Scenic River-2006 Management Plan

*Chairman Howard, JID, announced that the 2006 update of the Management Plan had been put on hold until the completion of the Loxahatchee River Restoration Plan. The Council would continue its review of the draft plan in January.

V. Updates from Member Agency/Organization Activities

Paul Millar, Martin Co, told the Council that Martin County had raised \$53 million from its 1cent sales tax to purchase environmentally sensitive land. Combining that amount with other grants and matching funds, they were able to purchase \$280 million worth of land. He said that a new ½ cent sales tax to replace the old tax would be on the November ballot.

*Rick Dent, LRECD, provided the Council with a large book titled “Loxahatchee River Environmental Center Exhibit Concept Book”. He said the Center would be built in Bert Reynolds Park. *Rick said the Loxahatchee River Environmental Control District was looking for assistance with the project. Projects and activities of other agencies could also be highlighted in the Center. He said they hoped to open a portion of the Center in June or July of 2007.

VI. Public Comments

Cynthia Plockelman, Native Plant Society, told the Council she thought the action they had taken regarding the future of Mecca Farms was a very important step.

Patrick Hayes, Martin Co Soil and Water Conservation District, reminded the Council that the new Jonathan Dickinson State Park Environmental Center was having an open house on Thursday, September 28th at 5:30 PM.

VII. Council Comments

*Marge Ketter, At-Large Rep, expressed her appreciation for the actions the Council had taken regarding future development on Mecca Farms.

VIII. Announcements

Gardenia Lone, SFWMD, announced that the next Council meeting would be held on November 27th at the same time and place.

IX. Adjournment

The meeting was adjourned at 4:25 PM.

Respectfully Submitted,
Herbert H. Zebuth, Secretary