



**Wekiva River Basin  
Commission**

**Wekiva River Basin Commission Meeting Minutes  
June 7, 2011  
1:30 p.m.**

East Central Florida Regional Planning Council  
309 Cranes Roost Blvd. Suite 2000 Altamonte Springs, FL 32701

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**1. Call to Order and General Business**

Chairman Constantine called the Wekiva River Basin Commission Meeting to order at 1:35 p.m. Ms. Clark called the roll and announced that a quorum was present. The following members were in attendance:

**Chairman Lee Constantine** – Chairman

**Mr. William Battaglia** – President, Battaglia Fruit Company

**Commissioner Brenda Carey** – Commissioner, Seminole County

**Mayor John H. Land** – Mayor, City of Apopka

**Commission Steve Wolfram** – Commissioner, City of Altamonte Springs

**Mr. Charles Lee** – Senior Vice President, Florida Audubon Society

**Mr. James Stansbury** – Regional Planning Administrator, Department of Community Affairs

**Mr. Mike Snyder** – Executive Director, Orlando/Orange County Expressway Authority

**Mr. Jody Lee** – Florida Department of Agriculture & Consumer Services

**Mr. Bart Harris** for Mr. Gerald Briggs – Chief Bureau, Onsite Sewage Programs, Florida Department of Health

**Ms. Noranne Downs** – District Secretary, Florida Department of Transportation

**Mr. Tom Schue** for Mr. Dennis David – Regional Director, FFWCC

**Ms. Vivian Garfein** – District Director, Florida Department of Environmental Protection

**Mr. Casey Fitzgerald** for Mr. Kirby Green – Executive Director, St. John's River Water Management District

**Mr. Harold Barley**- Executive Director, Metroplan Orlando

**Mr. Jerry McCollum** – Acting Executive Director, Seminole County Expressway Authority

The minutes of the January 26, 2011 Wekiva Commission Meeting were presented for approval. Commissioner Brenda Carey made a motion to approve the minutes and Mr. Charles Lee seconded this motion. All were in favor and the motion passed.

**2. Current Agency Activities and Legislative Report**

**East Central Florida Regional Planning Council**– *Mr. Phil Laurien*

Mr. Phil Laurien briefed the Commission on the Legislative changes as it pertains to growth management and the ECFRPC. He noted repeal of 9J-5, transition of DCA, the streamlining of growth management to local governments and how the ECFRPC and DCA will be able to comment on plan amendments as they relate to the Wekiva River Basin. Mr. Charles Lee noted

that the natural resource review process remains and if an amendment is proposed that is foul to natural resource issues such as the Wekiva, the agency can step in. Mr. James Stansbury stated that the statue refers to what the agency is limited to comment and challenge amendments on including significant state facilities and resources. The Department considers the Wekiva a significant state resource and remains active in its protection.

Commissioner Brenda Carey asked the status of the Wekiva River Basin Commission report to the legislators and whether there was any feedback. Ms. Tara McCue and Chairman Constantine responded that the document had been sent to the new legislative members in Washington, D.C, who represent the Wekiva River Basin area as well as the Offices of the Governor, Speaker of the House Office and Senate President. The package included a cover letter, the white paper, and the Wekiva Basin Coordinating Committee Final Report. Chairman Constantine instructed Ms. McCue to send to the Commission the package contents. Chairman Constantine reminded the Commission that the Wekiva Parkway and Protection Act remains in statue alone and therefore continues to be the mission of the Commission.

**Florida Department of Agriculture and Consumer Services (FDACS) – Mr. Jody Lee**

Mr. Jody Lee updated the Commission on the enrollment of growers in the Best Management Practices (BMP) program. He noted the increase in enrollments was offset by a decrease in production as of March 31<sup>st</sup>. The Department is about to begin an implementation assurance survey of nurseries in the area and are working to get ranchers to Cow Calf workshops in the area.

Legislatively, the agriculture bills have not been signed yet, but the two biggest ones are the Ag Exemption Rule and House Bill 7251, the fertilizer bill which gives local governments authority over the FDACS if there is something on their books by July 1, 2011. Mr. Lee noted that FDACS is involved because of product labeling and if the local governments wish to issue further restrictions, they are able to do that. Chairman Constantine asked for clarification concerning local governments having rules on the books by July 1<sup>st</sup> and establishing minimums. It was noted that local governments can't go above the minimum general fertilizer guidelines. Commissioner Carey stated that she wanted to make sure that the guidelines weren't more stringent then that set by the County.

**St. Johns River Water Management District –Mr. Casey Fitzgerald**

Mr. Casey Fitzgerald briefed the Commission on the one item remaining on the punch list for the District, the consolidation of the Environment Resource Permit (ERP) and Consumptive Use Permits (CUP) process. The District is currently putting together a package of potential rules which should be transmitted to the Governor's Office by July 1<sup>st</sup> for the blessing of the Governor before moving forward in the fall. Mr. Fitzgerald spoke to the impact of the exemption bill and the ad valorem revenue cap of \$85.3 million, a 25-26% reduction from last year. With the loss of Florida Forever Funds, WMD Trust Fund dollars and other external sources, SJRWMD funding is down approximately 40% which will impact the agency's ability for restoration projects and regulatory programs. Mr. Jody Lee discussed the WMD's AG team and its relevance to the AG Exemption Rule and the permitting issues. Mr. Charles Lee added that in addition to budget information, the Legislative Budget Commission will be in charge of reviewing the Districts' budget line item by line item giving them the ability to slice out line items. Mr. Lee also spoke to the history of the water management districts' taxing authority. Chairman Constantine asked if developers would now have to pay for the WMD services. Mr. Fitzgerald responded that the funding sources the WMDs have been building will probably not be there in the future for projects and someone will have to step up to foot the bill. He also noted that the average tax payer in the district will save approximately \$10. Chairman Constantine added that the water

projects needed in Florida will probably be shifted to utilities and therefore back to taxpayers. He stated that he has an issue with line items being cut out just because they seem excessive during fund shifting exercises and that public private partnerships working on long-term economic development projects could also be slashed because it doesn't look good at that moment; making long term vision what suffers the most. Discussion continued about tax caps, other statues that are effecting local governments, and giving special taxing districts and local governments more responsibilities, but less money to do it.

Chairman Constantine discussed the hard work of everyone involved from the beginning of the building of consensus for the Wekiva Parkway and Protection Act legislation to where they are now with parkway agreements. He stated it is heartening now that there is a mechanism in place for building this road and asked Ms. Downs and Mr. Snyder to give an update.

Discussion continued on the importance of the Wekiva Commission and how the other commissions in the state have been disbanded. Chairman Constantine discussed appointments to the board and re-emphasized that until the Governor names someone else to sit on the Commission, members still serve.

Chairman Constantine noted that the only change from the recommendations to the Wekiva Parkway and Protection Act was that, at the direction of Governor Bush, the Expressway Authority would be responsible for the project funding instead of DOT. Now, the mechanism is a hybrid where they are working together.

**Florida Department of Transportation –Ms. Noranne Downs**

Ms. Noranne Downs gave an update on the funding mechanism that is in agreement with FDOT, the Expressway Authority, Lake County and Seminole County. The teams are currently amending the funding report, looking at segments of where to begin and determining which agency will take the lead for specific parts. There are three outstanding issues which include finishing the PD&E, the interchange modification report between Wekiva Parkway and I-4, and FHA is waiting for some updated information such as crash data.

**Orlando/Orange County Expressway Authority – Mr. Mike Snyder**

Mr. Mike Snyder discussed the meeting of the OOCEA, FDOT, Seminole County and Lake County and stated that FDOT Secretary recognizes the importance of the Wekiva Parkway to the region and state. The team is meeting a few days a week to work through the traffic revenues forecast and bring it to a conclusion where everyone is satisfied. The Memorandum of Agreement between OOCEA, FDOT and the State Historic Preservation Administration received comments from FHA, was then sent back to FHA and forwarded to SHPA for comments. The OOCEA and FDOT are working with the National Park Service and the bridge design charrette. The bridge will need to conform to the Wild and Scenic River Act. Mr. Snyder stated that he is optimistic that FHA will issue a finding of no significant impact by the end of summer, allowing next phase to move forward.

Commissioner Carey asked Mr. Snyder how they are going to address that this project cannot be done in phases, but must be completed at one time. Mr. Snyder responded that they are looking at what everyone can bring to table and the financial parameters of the project.

Mr. Harry Barley discussed the decline in tax revenues and whether FDOT will need to reconsider or postpone other projects in the state in order to fund Wekiva Parkway. Senator Constantine discussed the potential effect of alternative fuel sources on the gas tax and the forethought of the recommendations for the Commission.

**Florida Fish and Wildlife Conservation Commission - *Mr. Tom Schue***

Mr. Tom Schue stated that the FFWCC remains in a supportive role, can respond to requests for technical assistance and is available for comments or to assess impacts on fish and wildlife resources. Mr. Schue noted that Commission staff participated in the bridge design charette and provided comments in regards to fish and wildlife resources. Mr. Schue also stated that the Commission has no new legislative information to report.

**3. Discussion of Key Reporting Timelines and Legislative Report**

**Florida Department of Community Affairs Adoption of Comprehensive Plan Amendments and Land Development Regulations Pursuant to Recommendation 14 of the Final Report**

*– Mr. James Stansbury*

Mr. James Stansbury reported that since the last meeting, DCA has been working with the City of Eatonville that it was difficult to get in contact with them until after the Mayoral Election. They received correspondence that in July/August, the City will pursue the revision of their amendments, adopt and send to DCA for review.

Mr. Stansbury also stated that they continued to work the City of Apopka to resolve their “Out of Compliance” amendment in regard to their interchange plan. However, due to the new bill, there was some text in the agreement which needed to be changed. This agreement should be signed in next week or so.

The Department has been in contact with the City of Lake Mary concerning their outstanding issue. The City stated they will begin to look at it again in terms of waste water as they thought it was already rectified.

Orlando is working on a study in relation to their waste water.

**Florida Department of Environmental Protection, Establishment of Total Maximum Daily Loads Pursuant to Recommendation 5 of the Final Report – *Ms. Vivian Garfein***

Ms. Vivian Garfein informed the Commission that in regards to the Wekiva Basin Management Action Plan to meet TMDL requirements, staff plans to have a meeting of BMAP personnel by end of summer. Tallahassee staff continues to work with stakeholders to gather information about projects, assist with and analyze projects to give credits to those who have already reduced their loads.

Ms. Garfein noted that for waste water, all permits have been revised and the limits are in the permits for all waste water facilities in the Wekiva Study Area. The average annual limit will come to fruition and compliance determination will happen 12 months after data is collected. So when they come back April 2012, they will be looking to see if the facilities have met those annual limits.

**Florida Department of Health, Rulemaking Activities Related to On-Site Disposal Systems Treatment Standards Pursuant to Recommendation 9 of the Final Report – *Mr. Bart Harris***

Mr. Bart Harris informed the Commission that the legislature approved the \$2.2 million Nitrogen Study funding which will help to complete the study. The Department is still working to complete Phase 2 this year and the approved money will be used to complete the third phase.

Mr. Harris discussed Senate Bill 550, the septic tank evaluation program which was modified in the November special session to extend the implementation date to July 1, 2011. There was no modification during this session although there were unsuccessful proposals to repeal it. The

Department has to submit the plan to legislative commission and then it has to be ratified with the legislature.

Mr. Charles Lee ask if the Department would give a presentation at the next Commission meeting concerning the outcomes the nitrogen study has identified and the kinds of systems and parameters being tested. Chairman Constantine added that there is some interesting data included in the study and it would be a good idea to present it at the next meeting. Chairman Constantine spoke about concerns from his former colleagues of the inspection of septic tanks and implementation, which is still being worked on, but that even if some portion of 550 is modified, the septic tank inspection will still go into basin/springs areas, which would include Wekiva Springs. This would be the limit, even if it doesn't go state wide. Chairman Constantine noted that it is important to consider the implementation. The bill included some guidelines to help DOH for the process to be nonintrusive and as easy as possible. A more detailed report by DOH on this study will take place at the next meeting.

#### **4. Other Business**

##### **Seminole South Rotary Club/Friends of the Wekiva River – Shannon Castello**

Ms. Shannon Costello presented the Wekiva River Promise Initiative which was created in cooperation with DEP Wekiva Aquatic Reserve. The goal was to create a community service project to promote personal stewardship to protect the Wekiva River by educating people how to protect the river, water quality and species.

The Initiative calls for 5 promises:

- Use No or Slow release fertilizers
- Septic Tank inspection and/or pump every 5 years
- Plant native plants or drought tolerant plants
- Pesticide and Herbicide only as needed
- Write to county commission and local/state government that you support all the protection efforts of the Wekiva River and Springshed

Ms. Costello also noted that they developed a resolution for civic organizations, homeowner associations, and municipalities stating that they support the efforts of the Promise.

Mr. Charles Lee asked how electronic media was being used to market this Initiative and magazine. Ms. Castello said that [www.ssrotary.com/promise](http://www.ssrotary.com/promise) is the rotary website dedicated to the Promise and she is currently working on a standalone site. Mr. Lee also mentioned Facebook to which Ms. Castello noted that is in process. Chairman Constantine thanked the Rotary Club and noted the hard work and wonderful grassroots initiative. He encouraged all to become involved in one way or another.

#### **5. Public Comments**

No public comments

#### **6. Future Meeting Dates**

Chairman Constantine announced that the next Wekiva River Basin Commission meeting will be held in late fall or early next year. The next agenda will include the DOH study and an update by the Expressway Authority concerning the next 4-6 months.

#### **7. Adjournment**

Chairman Constantine adjourned the Wekiva River Basin Commission Meeting at 2:58 p.m.