



**Wekiva River Basin
Commission**

**Wekiva River Basin Commission Meeting Minutes
October 19, 2015
2:00 PM**

East Central Florida Regional Planning Council
309 Cranes Roost Blvd. Suite 2000 Mayor John H. Land Board Room
Altamonte Springs, FL 32701

1. Call to Order and General Business

The meeting was called to order by Chairman Constantine at 2:00 p.m. Ms. Pegge Parker called roll and announced there was a quorum. The following members were in attendance:

Chairman Lee Constantine – Chairman
Councilmember Dennis Wood – City of Mount Dora
Mr. Charles Lee – Senior Vice President, Florida Audubon Society
Commissioner Brenda Carey – Seminole County
Commissioner Steve Wolfram – City of Altamonte Springs
Mr. Chris Schmidt for Commissioner Leslie Campione – Lake County
Mr. Jody Lee – Florida Department of Agriculture & Consumer Services
Mr. Bart Harriss for Mr. Gerald Briggs (retired) – Chief Bureau, Onsite Sewage Programs, Florida Department of Health
Mr. Alan Hyman for Ms. Noranne Downs – District Secretary, Florida Department of Transportation
Mr. Greg Workman for Ms. Shannon Wright - Regional Director, Florida Fish and Wildlife Conservation Commission
Mr. Jeff Prather – District Director, Florida Department of Environmental Protection
Dr. Ann Shortelle – Executive Director, St. John's River Water Management District
Mr. Harold W. Barley – Executive Director, MetroPlan Orlando

Chairman Constantine welcomed Dr. Shortelle, new Executive Director for SJRWMD and Ms. Laura Kelley, the new Executive Director of the Central Florida Expressway Authority. Commissioner Constantine provided a brief review of the history and purpose of the Wekiva River Basin Commission. Commissioner Constantine also presented a plaque that will be going to Mr. Gerald Briggs, recently retired from the Florida Department of Health, from the members of the Wekiva River Basin Commission for his service since 2007. Mr. Bart Harriss accepted the plaque for Mr. Briggs.

A motion to approve the June 2015 meeting minutes was made by Commissioner Brenda Carey and seconded by Mr. Jody Lee. The motion was passed unanimously.

2. Agency Activities and Legislative Report

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

Ms. Elke Ursin, FDOH, presented remotely on the findings from the On Site Sewage Nitrogen Study. The study focused on two main components: existing passive technology and how nitrogen moves in the environment under Florida conditions. Three study sites were located in the Wekiva area. Results from home sites were exceptional with 95% removal in the Seminole County home site. The study looked at a lined drainfield with media in the liner, with a tank based system which provides a low cost solution to performance based systems and is better than a conventional system and does not require an operating permit or maintenance contract. This system is supported by DOH and moving forward with this option. Also, by looking at how nitrogen moves in Florida conditions, it will help to refine the nitrogen loading estimates.

Another project the Department is working on is the Florida Water Management Inventory which maps drinking source and waste water treatment method for every built property in Florida. The final report is due to the Governor and Legislature at the end of December. The contractor report is currently on the DOH website. The implementation plan focuses on education, planning and building and will make tools available to help reduce nitrogen contributions from septic systems. Ms. Ursin discussed the strategy levels that could be implemented from the conventional system to the lined/medium drainfield system to the nitrogen reduction system which has a comparable cost to the performance based systems (these are your 95% reduction systems and may need to occur only in very sensitive areas). The Technical Review and Advisory Panel will discuss the Rule Change (October) necessary to incorporate the ability to implement the lined drainfield option.

After the presentation, Ms. Ursin answered questions from the commission. Commissioner Carey asked if the lined drainfield system had a pump, or required electricity. She expressed concern for small lot owners, especially in the Midway Community, who have a difficult time even obtaining permits to meet the current standards because there is not enough room on their properties. Ms. Ursin responded that the study site did not have a pump and a pump would be dependent upon the topography of the site, but the study site was a gravity based tank system. Discussion also mentioned the potential of a cluster system that could serve a number of homes instead of individual systems and the BMAP.

Commissioner Wolfram spoke to the Altamonte Springs Water Treatment plant and its process as well as the A-First Project.

Mr. Prather asked if there would be an increased maintenance schedule or inspections for nutrient reduction systems. Ms. Ursin stated that this is part of the discussion on putting the new rule section in. Once protocol is establish based on the existing conditions on what they studied, they will fall under the performance based treatment system classification which has existing maintenance agreements, and it will require an inspection twice a year by maintenance contractor and a one-time inspection by FDOH annually and biannual permit. As a result of the study, the department will be looking into how we reduce the levels and number of inspections and what would be appropriate.

Commissioner Constantine noted the reduction of septic tanks in Marion County. Mr. Casey Fitzgerald also spoke of the reduction of 850 septic tanks in Ocala. SJRWMD is co-funding this with DEP. Commissioner Nelson discussed the efforts and proposal of Orange County to address 280 homes and asked if there was a dollar amount associated with the Ocala efforts. Mr. Fitzgerald said he would send the Commissioner the information.

Mr. Charles Lee spoke to the need to also focus on water conservation concurrently and agreed with Commissioner Nelson in establishing a uniform pattern for replacing drainfields with assistance from the state. He also asked about Black and Gold and the percentages of Nitrogen reduction of conventional versus the lined system. Ms. Ursin responded that the lined system showed a decrease of 65% while the conventional system has a 30% decline. She also stated that the Black and Gold was one of the processes that was proposed and they are working through the Department for approval.

Discussion continued concerning implementation and cost.

Commissioner Constantine asked for public comments.

Ms. Andrea Sampson discussed two types of low pressure systems: step system and the grinder system which requires a maintenance program.

Florida Department of Environmental Protection, Establishment of Total Maximum Daily Loads Pursuant to Recommendation 6 of the Final Report – Mr. Jeff Prather

Mr. Jeff Prather discussed the stakeholder meeting that was held on September 2nd, where the draft BMAP was present. Comments were due on September 16th and a new draft incorporated the comments and the new draft will be provided to the Secretary at the end of the week. It is anticipated that the BMAP will be adopted by the end of the year. A presentation will be made at the next Commission meeting. He introduced Ms. Christiane Ferraro and her presentation on the wastewater plants and how they are doing on meeting the new standards.

Ms. Christiane discussed how most are meeting the standards set in 2006. The City of Apopka is receiving funding from DEP and the WMD to help them get to their goal for nitrogen. The presentation discussed the 10 mg/L limits for N and highlighted the facilities in the area and their progress in meeting limits. Eleven facilities are in the secondary protection zone and are not as vulnerable to N penetrating into aquifer. Smaller facilities such as schools have ten years to lower nitrogen levels. Three are connecting to regional systems. Sometimes it's difficult with smaller facilities and they need to determine if it's better to replace, upgrade or connect to larger facilities. Mr. Prather gave kudos to the staff for working with these facilities and the Department is continuing to work with these smaller facilities.

Mr. Prather updated the commission that the bridge over the Wekiva is assumed to be owned by the State of Florida and many have been trying to research. State Lands is working on figuring it out. Seminole County has an easement that rolls up to the bottom of the bridge. It appears that it does not seem to have parent ownership. Since the bridge is over the Wekiva and state lands ownership will most likely default back to the State. Commissioner Constantine also discussed the other bridge which a resident claims is needed to mow the lawn, is located on the Little Wekiva, making it unnavigable. Mr. Prather said he will provide an update on what can be discovered concerning the other bridge.

Florida Department of Agriculture and Consumer Services – Mr. Jody Lee

Mr. Jody Lee reported that \$250K last year in cost share for Marion and Volusia Counties Soil and Water Conservation Districts. The department will maintain the same funding level for this year for the Soil and Water Commissions except this year instead of Volusia, it will be going through the Putnam County for areas outside Lake and Marion Counties and the Silver Springs area. There was a lot of interest from last year's programs because of its benefit. The biggest interest has been in irrigation retrofits and cross fencing for cattle operations. Springs continue to be the priority of the Commissioner as well as water conservation and quality. They are still seeking a Director. Darryl Smith, the Assistant Director, is currently the Interim Director. The Department is now starting to shift from the enrollment phase to the implementation/assurance phase to make sure the producers are doing what they are supposed to be doing. In order to get cost share funding, they have to be enrolled in the Departments BMPs. Legislation was proposed last year to get the Implementation/Assurance plan in place, but it didn't go through so it is expected to be reintroduced this year. They are working with Ag associations and DEP to get a plan in place that is acceptable to everyone. It is not a regulatory plan.

The Vegetable/Agronomic crop manual has been revised and adopted. They have eighteen months to enroll and re-enroll row crop growers.

St. Johns River Water Management District – Dr. Ann Shortelle

Dr. Shortelle discussed the DEP handout that provides an overview of what the DEP and SJRWMD are working on in terms of springs. Springs have garnered \$120 million of projects in the District. Three projects in the Wekiva area (Apopka, Winter Garden, Longwood) totaled nearly \$12 million. These include stormwater projects, reclaimed water and others. These projects anticipate significant reduction in load reductions.

Commissioner Constantine asked if there were identified septic systems to be replaced/upgraded, and would this be something the local government could come to the District for some funding to assist with the process.

Dr. Shortelle spoke to the funding of projects and this year the cost share dollars is about \$37.5 million to put towards cooperatively funded projects but these projects are fair and open competition for proposals. There is a special funding this year for "Innovative Projects". There is also the agricultural cost share dollars. This "competition" is completed once a year. Last year there were three times the requests than available dollars.

Commissioner Constantine asked if the partnership of the governments would come into play in the decision making process. Dr. Shortelle confirmed that it would be incorporated into the scoring as they are interested in the "best bang for the buck", and the restoration of resources, especially around first magnitude springs.

Dr. Shortelle spoke about the Central Florida Water Initiative, five counties, DEP, DACS, and three WMDs and its goal of developing a regional water supply plan. The draft was out for comments and stakeholder outreach. The draft updates are due out next week and presented to the Steering Committee which is meeting in Kissimmee on Oct. 30 and then to all three governing boards in November.

Commissioner Constantine stated that the plan does not focus on water conservation as much as many would have liked to have seen.

Florida Department of Transportation – Alan Hyman

Mr. Hyman provided an update including the completion of the section in Lake County which should be opened by the end of the year. The next big section for FDOT is the Lake County section east of the current section and will include the river crossing. It is a design/build project and the bid will be out April 2016. A year later the smaller projects will start, followed by the large projects the following year. The Department is having an Industry Forum on January 26th, open to the public, and will include project updates and requirements of the sections and the bridge.

Florida Department of Economic Opportunity – Mr. James Stansbury

Commissioner Constantine stated that the Department provide a handout with updates on Eustis, Oakland and Orange County. He stated that Mr. Stansbury should be available for the next meeting via phone and will get the reports from DEO at an earlier timeframe for the Commission.

Florida Fish and Wildlife Conservation Commission – Mr. Greg Workman

Mr. Workman discussed the Commission's response to the Wekiva Parkway Section 7a concerning the wetlands permit for impacts. The Commission also reviewed the Wildlife and Habitat Report for the Wekiva Trail Project PD&E study and drafted a letter to the FDOT.

There was a question concerning the coordination between CSX and the lease especially in the Mt. Dora area. Mr. Workman stated that he will bring this information to the next meeting as well as to the individual prior to the next meeting.

3. Other Business

“Evaluating Movement and Behavior of Florida Black Bears” – presented by Dr. Dan Smith, University of Central Florida

Dr. Dan Smith provided an update on the bear movement study and also showed video that was made from the collars. Because of premature dropping of collars, they were redeployed on another round of captures. Currently, the team is tracking six males and six females, and recorded over 100,000 locations. Collars will be dropping shortly and the data will be collected and analyzed. Dr. Smith discussed the tracking results and showed video from the video collars. Discussions took place on the importance of the fencing as well as the crossing and reasons why bears sometimes avoid the crossings due to other bears and other scents. He spoke about the educational PSAs that are being worked on to teach about living with bears for the media, agencies, NGOs, youth programs and schools.

Mr. Charles Lee asked how many collared bears are roaming into areas that are part of the bear hunt. Dr. Smith stated that approximately five or six bears tend to roam the Rock Springs Run area and one has a camera collar. He stated that the probability of any of those bears being shot is minimal and will be dependent upon the conditions of the week. Mr. Jody Lee asked if there were parameters against shooting a bear with a collar. Dr. Lee discussed that hunters are

supposed to be aware of cubs under 100 pounds and to not to shoot the females but there is nothing that precludes shooting collared bears.

Mr. Robert Brooks, Manager of Wekiva River Preserve, discussed that the hunt this weekend in Rock Springs Run has a muzzle loading requirement. Commissioner Constantine asked if there was an element in the study that helps to indicate population size. Dr. Smith said that the pilot study had such a small sample size that they cannot determine size with this study, but they are hoping that if the study is expanded, it will be something that can be analyzed. Commissioner Constantine discussed how it is difficult to even determine a general population number but an estimate for the Central portion of the state is approximately 1,800 bears (based on a presentation at the Seminole BCC).

Legislative Report –

Ms. Tara McCue discussed the legislative handout that was provided based on the priorities of the League of Cities, Commissioner Nelson’s presentation, Northeast Planning Council, and others. It appears that water quality and associated funding is the priority this year. Commissioner Constantine stated that there does not appear to be anything that will directly impact the Wekiva River Basin Commission. Mr. Charles Lee stated that the water bill will most likely dominate this year as well as the distribution of Amendment 1 funding. He discussed the court case about Amendment 1.

4. Public Comments and Announcements

On November 7th, there will be a conservation and education seminar with Former Governor Graham at Wekiva Island.

Commissioner Constantine asked for the public to stand up and be recognized.

Ms. Andrea Sampson discussed her representation of residents in the area and discussed the importance of the nitrogen study as a tool to help with planning of vulnerable areas and how everyone has a vested interest in the area, and knowing the return on investment to protect the area, is important.

Mr. Tony Mathews, Seminole County, no comments.

Mr. Robert Brooks, Park Manager, Wekiva River Basin State Park, stated that they are here to provide resource-based recreation opportunities for the public.

Ms. Nancy Christman, SJRWMD, Government Relations, no comments.

Ms. Nancy Prine, Friends of the Wekiva, and the Wekiva River Wild and Scenic River, no comments.

Ms. Mary Bramble, Senior Project Manager, SJRWMD, no comments.

Mr. Bob Elmquist, City of Apopka, thanked the agencies for the funding for various projects in the City.

Mr. Hugh Harling, Executive Director, ECFPRC, no comments

5. Future Meeting Dates – *Chairman Constantine*

The next meeting will be scheduled for February 2016 at East Central Florida Regional Planning Council offices. We will work to have the meeting after the legislative session.

6. Adjournment

Chairman Constantine adjourned the Wekiva River Basin Commission Meeting at 4:24 p.m.

Provided by Mr. James Stansbury

Wekiva River Protection Area / Study Area
Amendments processed between 2/12/15 and 5/26/15

1. Lake County

14-17ESR (adopted) – The amendment pertains to the Regional Office and Regional Commercial FLUM categories, which are in the Wekiva Study Area. It includes two parts. First, it revises Future Land Use (FLU) policies to allow Economic Development Overlay District (EDOD) uses as a typical use in each of the FLU categories. Second, the amendment updates the EDOD Map to include the Regional Office and Regional Commercial Future Land Use Map (FLUM) categories. The amendment was necessary to correct an oversight with the recent adoption of the EDOD which did not include the Regional Office and Regional Commercial FLUM categories.

15-3ESR (proposed) – The amendment pertains to the Rural Transition FLUM category, which is within the Wekiva Study Area. It includes one text change to FLU Policy I-1.4.5. Currently, that policy provides that residential development may occur in the Rural Transition FLU category as follows: 1.) 1 unit per 5 acres; or 2.) 1 unit per 3 acres, with 35% open space; or 3.) 1 unit per 1 acre, with 50% open space. The amendment adds a fourth alternative for residential development at 2 units per 1 acre, provided specific criteria are met, including a minimum size of 100 acres, a location within 1 mile of a utility service boundary, central potable water, central waste water, 50% open space, and other criteria.

2. Eustis

15-3ESR (proposed) – The proposed amendment includes the following changes related to the Wekiva River Study Area: 1.) Adds more flexible language to a policy protecting environmental features (FLU 1.3.2.c.1); 2.) Shifts development from “existing urban” to areas with “support services” (FLU 1.3.2.c.3); 3.) Provides that natural resources and open space must be “significant” to be protected (FLU 5 and 5.1); 4.) Changes requirement for analysis from “shall” to “may” if karst features are on site (FLU 5.1.3.b); 5.) Deletes requirement for minimum open space requirements (FLU 5.1.4); 6.) Changes requirement for enhancements to wetlands from “shall” to “may” (FLU 5.1.5); 7.) Deletes text concerning open space management plan (FLU 5.1.7); 8.) Deletes standards for siting non-residential uses in conservation area (FLU 5.2.1); 9.) Deletes pervious pavement standards for parking lots greater than 100 spaces (FLU 5.2.5); 10.) Adds more flexible language to policy guiding stormwater drainage (FLU 5.2.8); 11.) Adds more flexible language to policy protecting sensitive natural habitats (FLU 5.2.12); 12.) Deletes alternatives to on-site conservation (FLU 5.2.12.b); 13.) Adds more flexible language to a policy concerning management of sensitive natural habitats (FLU 5.2.13); 14.) Deletes minimum open space requirement in Wekiva Study Area (FLU appendix, Table A-3.1); 15.) Creates standard open space requirement at 35% of the net buildable area (FLU appendix, text); 16.) Shifts applicability of criteria from comprehensive plan amendment to development plan (FLU appendix, text); 17.) Deletes requirement for data and analysis showing that proposed FLU is least intensive to meet need (FLU appendix, text); 18.) Deletes text on best management practices for nitrate/nitrogen loading analysis (FLU appendix, text); 19.) Deletes requirement linking density increases to approval of water supply facilities work plan (FLU appendix, text); 20.) Indicates that the Wekiva Recharge map provides only a “general” description of high recharge areas and is subject to site specific evaluation

(CON 1.3.1); and 21.) Replaces a requirement to establish open space standards with a requirement for “certain open space standards” in the Wekiva Study Area (REC 1.4.1).

3. Apopka

15-1ESR (adopted) – The amendment site is in the Wekiva River Study Area. The amendment includes a FLUM change from Residential Low (0-5 du/acre) on 89.47 acres, and from Agriculture (1 du/5 acres) on 5.29 acres, to Residential Medium (0-10 du/acre). The amendment results in an increase of 494 dwelling units.

4. Eatonville

14-1ESR (adopted) – The amendment site is in the Wekiva Study Area. The amendment pertains to a 49.6 acre site (referred to as the Lake Weston Subarea) that is presently designated Commercial on the FLUM and Industrial on the Zoning Map. In order to resolve the inconsistency between the FLUM and zoning designations, the Town adopted the following: 1.) A new FLU Policy 1.6.10 which establishes a Lake Weston Subarea, which provides that light industrial uses may be allowed in addition to commercial uses, and which requires that specific permitted uses and development standards will be established in the Land Development Code; and 2.) An amended FLUM to establish an overlay for the Lake Weston Subarea. This results in a maximum potential development associated with the amendment of 5,617,497 square feet of commercial or industrial uses.

5. Oakland

15-1ESR (proposed) – The amendment includes 39 text changes to the Transportation Element. The entire amendment pertains to transportation resources and facilities, and it applies to the entire Town. The Town is in the Wekiva Study Area.