

Caloosahatchee Estuary Basin Management Action Plan (BMAP)

Webinar Summary

Friday, May 13, 2022

2:00 pm – 3:24 pm

Participants

Cassandra Armstrong, SFWMD
Christian Avila, SFWMD
Maurice Barker, DEP
Terrie Bates, Citizen
Connie Becker, DEP
Anthony Betts, SFWMD
Karen Bliss, Charlotte County
Jenna Bobsein, SFWMD
Patricia Burke, SFWMD
Ben Butler, Citizen
Lauren Campbell, DEP
Erin Carroll, Florida Senate
John Cassani, Calusa Water Keeper
Stacy Cecil, DEP
Angela Chelette, FDACS
Carolyn Ciarlariello, DEP
Mike Collazo, Florida Senate
Christopher Colli, Sea and Shoreline
Brad Cornell, Audubon
Caryn Crabb, DEP
Susan Dahod, Citizen
Shawn DeSantis, SFWMD
Dana Dettmar, Sanibel
Rebecca Elliott, FDACS
Kate English, Pavese Law Firm
Yesenia Escibano, FDACS
Kim Fikoski, SFWMD
Jake Fojtik, FFBF
Sommer Foster, Johnson Prewitt
David Frady, DEP
Marcy Frick, Tetra Tech
Aubrey Frye, SFWMD
Stanley Ganthier, DEP
Cristina Gauthier, SFWMD
Katie Gawin, Florida House
Joe Gilio, Citizen
Kyle Grandusky, GMA Water
Roxanne Groover, FOWA
Chris Guth, Federico and Associates
Bernadette Hamera, Citizen

Kenny Hayman, DEP
Janet Hearn, ATM
Cori Hermle, FDACS
Alicia Hogue, DEP
Moirra Homann, DEP
Nenad Iricanin, SFWMD
Jeff Iudicello, SFWMD
Megan Jacoby, SFWMD
Paul Julian, SCCF
Kerry Kates, FFVA
Lisa Kreiger, Lee County
Juli LaRock, SFWMD
Jonathan Madden, SFWMD
Debbie Madden, Gunster
Sherry McCorkle, SFWMD
Joshua Mills, SFWMD
Nikki Morgan, DEP
Caitlin Newcamp, Audubon
Stacey Ollis, SFWMD
Steffany Olson, SFWMD
Roland Ottolini, Lee County
Meghna Pandya, FPL
Amanda Peck, DEP
Ximena Pernet, RES
Tommy Perry, Johnson Prewitt
Mark Perry, Florida Oceanographic Survey
Jesse Pfadenhauer, DEP
Nicolas Pisarello, ATM
Robert Potts, RES
Ann Redmond. Brown & Caldwell
Mary Kay Robbins-Kralapp, Citizen
Maya Robert, Cape Coral
Rex Robinson, USDA
Mark Serrahn, Landon Companies
Brent Setchell, FDOT
Shimelis Setegn, SFWMD
Charles Shinn, FFBF
Edward Smith, DEP
Carlton Spirio, Gresham Smith
David Taylor, DEP

Danielle Taylor, SFWMD
Jennifer Thera, FDACS
Danielle Tharin, SFWMD
Raychel Thomas, Pavese Law
Richard Thompson, City of Fort Myers
Ansley Tilley, RES
Nikki Tinsley, Citizen

Diana Turner, DEP
Jonathan Turner, FDOT
Ken Weaver, DEP
Benita Whalen, Dispersed H2O
Jessica Wilson, Conservancy of SW FL
Manuel Zamorano, SFWMD

The webinar recording and supporting materials are posted to the Florida Department of Environmental Protection (DEP) file transfer protocol (FTP) site at
http://publicfiles.dep.state.fl.us/DEAR/BMAP/Caloosahatchee/Meetings/2022_05_13_Annual_Meeting/

Questions and Answers

Question on the DEP presentation: How do the BMAPs account for the large increase in population density and subsequent increase in loading?

Answer from Nikki Morgan, DEP: Currently the loading is the same as when the BMAP was updated in 2020, and that was based on modeling data through 2014. Any population changes or land use changes after that point are not necessarily in that information. However, as we start looking more at the updated loading from the water management district and other monitoring stations, updated BMAPs will account for that increase in loading or change in loading.

Question on the DEP presentation: Has the flow weighted concentration of total nitrogen (TN) gone down since 2012?

Answer from Nikki Morgan, DEP: We have not completed the trend analysis for this year but last year's trend analysis did not show a change from the year before. I'm not sure since 2012 what the trend has been for TN for the estuary or the tributaries. I would have to look more closely at those data.

Question on the DEP presentation: Cypress Creek is primarily agricultural land use. Will this be shared with the Florida Department of Agriculture and Consumer Services (FDACS) for best management practice (BMP) compliance?

Answer from Nikki Morgan, DEP: These data are shared with FDACS and their BMP compliance that I'm sure they will talk about, and David Frady is here to talk about as well, although I think that it is more about the timeline than targeted towards any of our restoration analyses, but they might have some updates on that whenever they give their presentations.

Question on the DEP presentation: Have wasteload contributions gone down since 2019 when new criteria were adopted?

Answer from Nikki Morgan, DEP: I think that is specifically talking about wastewater loads. I have not gotten specifically into wastewater treatment loads. I have just been looking at general nitrogen loads so I do not have an answer for that at this moment.

Question on the DEP presentation: Since the Caloosahatchee River and Estuary (CRE) BMAP has already been updated, with Senate Bill (SB) 712, CRE stakeholders' plan are due January 2023.

Answer from Diana Turner, DEP: If there are conflicting deadlines between maybe what is in the BMAP and SB712 we definitely want to work with stakeholders on those conflicting deadlines, but the main thing is that we keep making progress on the plans.

Answer from Marcy Frick, Tetra Tech: I think we did have a deadline in the BMAP of three years from when the BMAP was adopted, which I believe was the language. In 2020 when we were putting this together, the senate bill was in draft and I think that was the timeline then but, since it was adopted, it had a timeline until July 1, 2025 and so that is the timeline we are on now. The adopted senate bill does override the timelines in the BMAP.

Question on the FDACS presentation: Have any agricultural operations chosen the water quality monitoring option?

Answer from David Frady, DEP: We've had a number of folks elect that option. We have not had any producer follow through with it once they actually consult with a hydrologic engineer and understand the requirements and costs associated with water quality monitoring. So, while we've had a number of folks initially select it, we've not had anyone actually follow through with it. Everyone who has initially indicated that they were interested in water quality monitoring has ended up going with a BMP program. We do have a couple of folks who are exploring it as an option right now but they have not chosen it as their final option, and I anticipate that they will probably end up going with the BMP program.

Question on the FDACS presentation: Is it just me or does the sod acreage (about 900 acres) seem very low? Is it encompassed within another crop because of the rotation between turf/sod and other crops?

Answer from Jennifer Thera, FDACS: Most likely it is encompassed within the multiple commodities line item. If the person asking the question has a specific area, they can get with us and we can look at the data and look specifically where all the sod is located.

Question on the FDACS presentation: Is DEP responsible for BMP enrollment?

Answer from David Frady, DEP: No, that is wholly within the jurisdiction of FDACS. We are responsible for enforcement. Once the person makes an effort to bring their property into compliance through the BMP program that is wholly within the jurisdiction of FDACS.

Question on the FDACS presentation: Can BMP effectiveness be determined by monitoring water quality offsite?

Answer from Diana Turner, DEP: For BMAP purposes, some of the reductions that we use come from studies that were used in the creation of the BMP manuals. I believe if you're talking sort of specific BMPs, I think there are a few different studies going on right now, but I'm not super familiar with what they are, that look specifically at different BMPs. We also can potentially see some of that when we do our TRA analysis that Nikki talked about to drill into some of the areas that are more heavily ag lands, we might be able to see a change in the data.

Question on the FDACS presentation: How often does FDACS visit agricultural operations for BMP implementation?

Answer from Marcy Frick, Tetra Tech: That was covered in Jennifer's presentation so that's every two years unless FDACS needs to follow up on any compliance issues.

Question on the FDACS presentation: Is there a geographic information system (GIS)/interactive map available online which shows BMP enrollment?

Answer from Jennifer Thera, FDACS: We have the Story Map, which is in our annual report and on our website. For the most current statewide enrollment coverages, they can request it and we can send them shapefiles of enrollment.

Question on the FDACS presentation: Is there a link on the FDACS site to access the annual report to the legislature?

Answer from Jennifer Thera, FDACS: Yes, back on my slide the website is listed and I can put that in the chat or when these are made available you can grab the off of that. [Note: link was posted in the chat <https://www.fdacs.gov/Divisions-Offices/Agricultural-Water-Policy>].

Question on the DEP presentation: How many civil enforcement actions has DEP taken?

Answer from David Frady, DEP: We have a number ongoing and I can't really discuss them because they are ongoing. We have one final order that, as I mentioned, was \$50,000. We have several ongoing and that is not something I can really discuss until they are finalized.

Question on the DEP presentation: How many enforcement action cases have been filed and/or ongoing currently?

Answer from David Frady DEP: See response to the above question.

Question on the FDACS presentation: Are BMP nutrient reduction targets achieved presumptively based on enrollment, or is there monitoring of farm discharge water?

Answer from Jennifer Thera, FDACS: If you are enrolled, nonpoint sources, both ag and non-ag, are compliant if they are enrolled in and properly implementing the BMPs. We do not do any water quality monitoring. That would be done through DEP or the water management district.

Question on the FDACS presentation: Does "enrollment" mean that you have only received a letter of intent to do BMPs? and How much of the "enrollment" acres have actually implemented BMPs?

Answer from Jennifer Thera, FDACS: Enrollment means, yes, we have received a letter of intent to do the BMPs. Once every two years, we would go and do a site visit to make sure that they are properly implementing them.

Answer from Angela Chelette, FDACS: It is not just a submittal by a producer of a letter. There is actually a site visit and all the BMPs are gone over with the producer so that the field staff can select all of the applicable BMPs for their site. They are required to implement all applicable BMPs for their operation. And then, as Jennifer said, the field staff has been out within the last two years and looked at the enrolled folks in this basin, almost all of them, I think we're up to like 95% overall in Caloosahatchee, as shown in the presentation, but, it is not just a letter.

Question on the DEP presentation: Does DEP assume load reductions through BMP implementation?

Answer from Marcy Frick, Tetra Tech: There have been a lot of studies where we have some efficiencies that DEP and FDACS have worked through, depending on the commodity and BMP type that is being used. We have certain percent reductions that are applied based on that commodity and the BMP that is being implemented. We calculate that on a parcel-by-parcel basis each year in conjunction with FDACS.

Question on the DEP presentation: It was reported by DEP that FDACS had 2,772 referrals in May 2021 with 51 getting the "last chance" letters greater than 100 acres with 14 out of compliance. What is the status of these "non-compliance" properties?

Answer from David Frady, DEP: All parcels greater than 100 acres have been brought into compliance so there are no more properties greater than 100 acres out of compliance.

Question on the FDACS presentation: Any issue of onsite denitrification reducing applied TN fertilizer? For example, a retention pond with an extended anoxic sediment changing applied nitrogen going to N₂.

Answer from Nikki Morgan, DEP: Our monitoring doesn't really test for atmospheric N₂. We typically don't have a lot of bacterial data on sediments for the retention ponds so we wouldn't be able to see that in our monitoring data at least.