

## **Lake Okeechobee Basin Management Action Plan (BMAP)**

### **Webinar Summary**

*Tuesday, March 28, 2023*

*10:00 am – 11:11 am*

#### **Participants**

|                                                 |                                      |
|-------------------------------------------------|--------------------------------------|
| Eesa Ali, Flatwoods Consulting                  | Janet Hearn, ATM                     |
| Becky Allenbach, USEPA                          | Carter Henne, Sea and Shoreline      |
| William Amerling, Citizen                       | Moira Homann, DEP                    |
| Michele Arquette-Palermo, Conservancy of SW FL  | Luke Hudson, DEP                     |
| Jana Ash, RES                                   | Jeff Iudicello, SFWMD                |
| Christian Avila, SFWMD                          | Megan Jacoby, SFWMD                  |
| Evelyn Becerra, DEP                             | Emily Johnson, SFWMD                 |
| Bill Baker, MacVicar Consulting                 | Paul Jones, SFWMD                    |
| Janelle Barriero, Florida Senate                | Johnny Jones, DEP                    |
| Adam Blalock, DEP                               | Kerry Kates, FFVA                    |
| Richard Budell, Budell Water Group              | Steven Kelly, FDOT                   |
| Patricia Burke, SFWMD                           | Lisa Kreiger, Lee County             |
| Ben Butler, SFWMD                               | Kathy LaMartina, SFWMD               |
| Anne Capelli, Mock Roos                         | Juli LaRock, SFWMD                   |
| Stacy Cecil, DEP                                | Jacob Landfield, SFWMD               |
| Angela Chelette, FDACS                          | Kristin Larson, SFWMD                |
| Carolin Ciarlariello, DEP                       | Kimberly Lawrence, RCID              |
| Kelly Cox, Audubon                              | Ivette Leiva, FDOT                   |
| Kevin Coyne, Black & Veatch                     | Lisa Lotti, City of Orlando          |
| Kelly Cranford, Culpepper & Terpening           | Amanda McDonald, SFWMD               |
| Casey Darling Kniffin, FL Oceanographic Society | Nikki Morgan, DEP                    |
| Sara Davis, DEP                                 | Jessica Mostyn, DEP                  |
| Amy Eason, City of Port St. Lucie               | Charles Murphy, Glades Media         |
| Bill Eggers, Evans Properties                   | Kevin O'Donnell, DEP                 |
| Rebecca Elliott, FDACS                          | Stacey Ollis, SFWMD                  |
| Yesenia Escribano, FDACS                        | Steffany Olson, SFWMD                |
| Veronica Fasselt, USEPA                         | Sarah Palladino, FWC                 |
| Jessica Fetgatter, DEP                          | Charise Parker, Sea and Shore        |
| Sabrina Fischer, DEP                            | Amanda Peck, DEP                     |
| Jake Fojtik, FFPF                               | Ximena Pernett, RES                  |
| David Frady, DEP                                | Mark Perry, FL Oceanographic Society |
| Marcy Frick, Tetra Tech                         | Libby Pigman, SFWMD                  |
| Aubrey Frye, SFWMD                              | Nicolas Pisarello, ATM               |
| Cristina Gauthier, SFWMD                        | Irene Quincey, Pavese Law            |
| Susan Gosselin, Osceola County                  | Steven Rodriguez, SDPA               |
| Paul Gray, Audubon                              | Beth Ross, Gunster                   |
| Roxanne Groover, FOWA                           | Brent Setchell, FDOT                 |
| Christopher Guth, Federico & Associates         | Kimberly Shugar, DEP                 |
| Sam Hankinson, DEP                              | Jerry Smith, Citizen                 |
| Maddy Hart, FDACS                               | Mailin Sotolongo-Lopez, DEP          |
| Kenny Hayman, DEP                               | Janelle Strong, DEP                  |

Jeff Sumner, Sumner Engineering  
Madison Szathmary, City of Orlando  
Jennifer Thera, FDACS  
Raychel Thomas, Pavese Law  
Nikki Tinsley, Citizen  
Mark Tomczyk, Woolpert

Diana Turner, DEP  
Youchao Wang, SFWMD  
Zach Welch, SFWMD  
Alan Wertepny, Mock Roos  
Benita Whalen, Dispersed Water  
Jessica Wilson, Conservancy of SW FL

The full 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/LakeOkeechobee/Meetings/22%20Annual\\_Meeting\\_March2023/](http://publicfiles.dep.state.fl.us/DEAR/BMAP/LakeOkeechobee/Meetings/22%20Annual_Meeting_March2023/).

### **Questions and Answers**

**Question on the South Florida Water Management District (SFWMD) presentation:** Does the AguaCulture project at Lake Istokpoga have a consumptive use permit? Is it in compliance with phosphorus best management practices (BMPs) for pasture?

**Answer from Stacey Ollis, SFWMD:** The AguaCulture project right now is still in coordination for execution so I cannot speak to the specifics of the project at this point. I am glad to check with the project manager and see if we have any additional information to share at this time. [Note: Stacey followed up after the meeting that details regarding this contract under negotiations will be available from SFWMD Procurement Bureau once executed.]

**Question on the SFWMD presentation:** Do we have an estimated cost of the Lower Kissimmee Basin stormwater treatment area (STA) and when construction is planned?

**Answer from Stacey Ollis, SFWMD:** I would refer folks to our final South Florida Environmental Report (SFER) Chapter 8B. In Table 8B-28, we have a detailed overview of the project timeline for that project, and in Table 8B-29, we have an overview of the cost of the project.

**Question on the DEP presentation:** In May of 2022, the 5-year annual average (water year [WY] 2017–WY2021) by the SFWMD showed the average from the nine subwatershed basins at 529 metric tons per year (mt/yr) and 214 parts per billion (ppb), which is five times the total maximum daily load (TMDL) for the lake. Are you using actual monitoring data to determine if the target reductions are being met in each basin or subbasin or just relying on calculated reductions from project-by-project? Also, are the target reductions going to get us to achieve the lake TMDLs by what date?

**Answer from Diana Turner, DEP:** We do use actual monitoring data. The subwatershed targets are based on actual concentration and flow data. Our project reductions are a combination of actual data and some efficiencies that we use that are based on literature studies that use real monitoring data. To achieve the lake TMDL, we are likely going to need more of those large, regional projects, like I mentioned. We are working with our agency partners, Florida Department of Agriculture and Consumer Services (FDACS) and SFWMD, to come up with what those projects might look like since they can take a variety of forms.

**Answer from Marcy Frick, Tetra Tech:** We are doing the calculated reductions for the projects but, as Diana was showing, we are also looking at the measured data to see how things are moving forward. The last part about the target reductions going to achieve the TMDL by what date. I know you are going to talk about it but we are getting ready to start the 5-Year Review of the BMAP in a few months. I think at that point we will be able to get a better handle on how things are progressing and what that target

date will be.

**Question on the Florida Department of Agriculture and Consumer Services (FDACS)**

**presentation:** Is there a schedule for updating the manuals, such as dates for each one?

**Answer from Jennifer Thera, FDACS:** Rulemaking is required to update a manual and the amount of time needed to complete the rulemaking is dependent on many factors that are outside our department's control so there is not a set schedule. We are currently working on updates to the cattle manual and the sod manual, and we expect to move forward with the others as soon as practical.

**Question on the FDACS presentation:** How much of the target reductions for phosphorus are being achieved by the 96% of enrolled, verified, and implemented BMP agricultural acres?

**Answer from Marcy Frick, Tetra Tech:** As Diana mentioned, the numbers for this year's Statewide Annual Report (STAR) are still being verified. Using those preliminary numbers, the total phosphorus (TP) reductions for only agricultural BMPs is about 90,000 pounds of phosphorus. We would have to go back and do some math to see what percentage that is of the total reductions but that at least gives you a feel of the total estimated load. Those numbers are subject to change as we finish the verification for the STAR.

**Question on the FDACS presentation:** We know the loads coming off agricultural lands and that BMPs will not get us to, or even very close to, TMDL goals. Does the agricultural community, in cooperation with FDACS and DEP, have a plan to get those nutrient loads TMDL compliant?

**Answer from Diana Turner, DEP:** As I mentioned earlier, we do work really closely with all our coordinating agencies, FDACS as well as SFWMD, to come up with regional projects. We are definitely going to need more regional projects in this watershed. We are in the midst of working with all our agency partners and, hopefully, we will be able to work with landowners to be able to identify a lot of different regional projects since those can come in a couple of different flavors.

**Answer from Jennifer Thera, FDACS:** We are committed to working together to develop projects both individually and regionally to improve the water quality.

**Question on the FDACS presentation:** Can you please send us the link to the statewide agriculture BMP report? Are the presentations today going to be made available?

**Answer from Marcy Frick, Tetra Tech:** I did just put that link in the chat so everyone should be able to see that [<https://www.fdacs.gov/Divisions-Offices/Agricultural-Water-Policy>]. They will be. As I mentioned at the beginning, this meeting is being recorded and the recording, presentations, and all other materials will be posted to the FTP site and an email will be sent when those materials are available.

**Question on the DEP presentation:** What about similar small-scale homestead activities on properties that do not have the county agricultural exemption? Are they still required to register with the program?

**Answer from David Frady, DEP:** It is a slightly complicated answer but, the short answer, is all agricultural producers in the state of Florida are required to enroll in one of two programs. FDACS tells us who are the agricultural producers in any area. They use a variety of methods to determine that. One of the best methods is if they have applied for and received that agricultural tax status because there is an incredible financial benefit to receiving that agricultural tax status. You receive about a 90% break on your property taxes so it is an incredible financial benefit for a person who is conducting agriculture to apply for and receive that tax status. There are certainly some agricultural operations out there that may not have it but the overwhelming majority will because there is such a significant financial benefit to

receiving that tax status. That leads back to my previous statement about why people are identifying themselves as agricultural producers. We actually have a problem with too many people identifying as agricultural producers who you would walk up and say that is probably not what we think of as agriculture. If they meet the minimum standards, they can get that tax status. I cannot tell you that there are no producers out there who are not receiving the tax status and, if they are not, they are not required to but the overwhelming majority will be because of the incredible financial benefit of receiving that tax status.

**Answer from Jennifer Thera, FDACS:** Under our purview, if they meet the definition of agriculture and are located within a BMAP, they must either enroll in a BMP program or do the water quality monitoring. They are just not necessarily our top priority when we are going to start with the enrollment process.

**Question on the FDACS presentation:** How does FDACS track the use of Class AA biosolids, both for location and application rates?

**Answer from Jennifer Thera, FDACS:** I think this actually a DEP-permitted program so we do not track them.

**Answer from Diana Turner, DEP:** I can get a little more information for you. I know there is reporting that sites have to do for application rates so I can get a little more information on that. I will tell you that, I am not sure about AA, because that is generally considered fertilizer so it is regulated slightly differently.

**Answer from Jennifer Thera, FDACS:** I misspoke. The AA are considered fertilizer so they are under our supervision. We track it as part of our implementation verification monitoring. When we go out to do the verification, we do the reporting of that information.