

MEETING SUMMARY
Lake Jesup BMAP Basin Working Group Meeting
July 24, 2008
9:30 AM – 11:00 AM
Sylvan Lake Park
Sanford, Florida

Attendees

Basin Working Group Members Present Sabrina O'Bryan (for Gary Johnson), Seminole County Lori Cunniff, Orange County Kipton Lockcuff, Winter Springs Bilal Iftikhar (for Tom George), Sanford Bruce Paster, Lake Mary Ed Torres, Casselberry Tony Segreto, Oviedo Don Marcotte (for Troy Attaway), Winter Park Jim Hunt, Orlando Dwayne Tillman (for John Peters), Altamonte Springs Tim Rogers, Maitland Ryan Spinella, Longwood Mary Hamilton (for Pat Muench), FDOT Jeremiah Marek, Turnpike Enterprise Carol Johnson, FDACS Vivian Garfein, FDEP Casey Fitzgerald, SJWRMD Dennis David, FWC Robert King (for Cecilia Height), Friends of Lake Jesup BWG Members Not Present Roger Dixon, Eatonville	Other Attendees John Abendroth, FDEP Julie Bortles, Orange County Sherry Brandt-Williams, SJRWMD Tiffany Busby, Wildwood Consulting Fred Calder, FDEP Chris Ferraro, FDEP Brian Fields, Winter Springs Mark Flomerfelt, Seminole County Ed Hayes, FWC Bob Kelly, SAIC Steve Lienhart, URS Regina Lovings-Morse, SJRWMD Kim Ornberg, Seminole County Mary Paulic, FDEP Marcy Policastro, Wildwood Consulting Robert Potts, E-Sciences Marissa Rodriquez, Maitland
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Welcome and Introductions

Vivian Garfein welcomed everyone and participants introduced themselves and the entity they represent. Ms. Garfein noted that staff from the Lake Jesup local jurisdictions have been working for approximately two years to address the Total Maximum Daily Loads (TMDLs) in the basin. Originally, dredging was planned for the lake but the funding was not available. The Florida Department of Environmental Protection (FDEP), St. Johns River Water Management District (SJRWMD), and Florida Fish and Wildlife Conservation Commission (FWC) decided to evaluate options to restore Lake Jesup and created an Interagency Plan. The plan found that if the inputs to the lake were not addressed first, then dredging would not help achieve the necessary nutrient load reductions. The plan included the Basin Management Action Plan (BMAP) process to determine sources of loading to the lake and projects to reduce those loads. There are a lot of efforts going on in the basin and it is important to move forward with the BMAP to begin seeing results in the lake and to determine what other action needs to be taken.

Tiffany Busby reviewed the meeting agenda. Ms. Busby noted that the Basin Working Group (BWG) does have to meet the requirements of the Sunshine Law because the group will be making recommendations to FDEP on issues concerning the BMAP.

Status of BMAP Discussions To-date

Lake Jesup BMAP Stakeholder Groups

Jennifer Gihring provided a presentation on the Lake Jesup basin, TMDLs, and BMAP efforts. Ms. Gihring stated that there are two main groups that provide input for the Lake Jesup BMAP. The Technical Working Group (TWG) consists of staff level participants that function as the fact finding group. The TWG has spent the last two years gathering the necessary data and information for the BMAP. This group is not subject to Sunshine Law requirements; however, all the TWG meetings are open to the public. There has been excellent participation by the TWG members, which has helped to make the process a success. The BWG functions as the official decision-making body, which will provide recommendations to FDEP. Participants in the BWG are higher level in their jurisdictions and will be able to help when the financial commitments for projects are discussed. The BWG must meet Sunshine Law requirements. Each BWG member has a representative on the TWG. In addition, other entities have been involved in the TWG.

TMDL Basics/Lake Jesup TMDL

Ms. Gihring stated that a TMDL is a quantitative restoration target for a waterbody, which sets what loadings a waterbody can handle and still be healthy and meet water quality standards. Lake Jesup was identified as an impaired waterbody and extensive modeling of the system has been conducted to estimate external loads and to determine the effects on the lake. The Lake Jesup TMDL was adopted in 2006 and set reduction goals for total nitrogen (TN) and total phosphorus (TP). The TMDL allocation is based on loads from wastewater treatment facilities (none in the Lake Jesup basin), stormwater point sources [municipal separate storm sewer systems (MS4s)], a load allocation (non-permitted sources, agriculture, non-MS4 areas), and a margin of safety, which is included in the conservative assumptions made in the TMDL.

A BMAP is not required for every TMDL but it was determined to be necessary in the Lake Jesup basin because the TMDL affects a lot of stakeholders. The BMAP is linked to point source permits (including MS4s) and to nonpoint sources through the implementation of best management practices (BMPs). The BMAP is developed collaboratively with stakeholders, which takes time. All BMAPs are adopted by FDEP Secretarial Order and typically include statements of commitment from the stakeholders.

There are several key components of a BMAP. Water quality goals and load reductions are included and may be refined from the TMDL. Sources are identified to determine where the loading is coming from. Detailed allocations, management actions (projects), and funding are identified to meet the TMDL. In addition, monitoring of water quality and projects, an implementation timeline, and commitments are also included.

Lake Jesup BMAP Status

Ms. Gihring provided information on the current status of the Lake Jesup BMAP. The TWG has been working on refining some of the assumptions that went into the TMDL, including adjusting surface runoff loading values. The TWG also made the decision to focus on TP in this BMAP

because the lake has the potential for nitrogen-fixation; therefore, reducing TN inputs would have little effect, but reducing TP should also reduce TN. There were several unknowns, in the TMDL, such as the rate of nitrogen-fixation and phosphorus-sediment flux, and SJRWMD and Seminole County have implemented projects to study these unknown factors.

FDEP is currently in the process of developing tools and an allocation table to determine the detailed allocations, which will define the responsibilities for each entity. The entities will be given individual load reduction obligations based on the proportion of TP loads contributed by each entity. The TWG will discuss at their meeting how best to allocate the load reductions from stormwater and septic tanks to the appropriate entities. There are also some large areas of agriculture in the basin, which have been given an allocation, and FDEP is working with the Florida Department of Agriculture and Consumer Services (FDACS) to quantify the expected reductions from agricultural BMPs.

The stakeholders are in the process of providing projects to meet their TP load reductions. It is difficult to quantify benefits from certain types of projects (i.e. education efforts) and FDEP is working to create a tool to quantify load reductions to the extent possible. Once all projects are submitted, the expected load reductions will be calculated and compared to the required load reduction for each entity. There will be several entities that will meet their load reductions through projects that have already been completed whereas others will need to implement additional projects. These new projects can either be completed within the entity's jurisdiction or through participation in one of the regional projects included in the Interagency Plan. The main priority of the plan is to develop the BMAP and implement projects to reduce external loads. The next phase will focus on internal lake projects, if needed.

The Interagency Plan and other documents related to the Lake Jesup basin are posted on the FDEP FTP site (listed on the bottom of the agenda). The BWG members can also contact Ms. Gihring, Ms. Busby, or their TWG member for further information.

Next Steps and Future Decisions

Ms. Gihring noted that during the next BWG meeting, the group will need to make several decisions. The next meeting will be held once the technical allocation issues have been resolved and the BWG will be asked to provide consensus on the allocations. The final project lists will also be presented. The TWG recently started work on the monitoring strategy so this information will be provided at a later meeting. The BWG will also start to review portions of the BMAP text. The ultimate goal is to obtain statements of commitment from each entity's boards or commission.

The TWG will continue working on the above items and the BWG will meet again in November or December. Ms. Gihring estimated that another three BWG meetings will be needed.

Discussion

Kipton Lockcuff asked what the overall timeline is for the BMAP. Ms. Gihring responded that she hopes the BMAP will be completed and signed by March 2009.

Dennis David asked what the timeframe is for the next BMAP. Ms. Gihring responded that once the BMAP is approved, the BWG will meet annually to evaluate the progress made. A formal review of the BMAP will occur in approximately five years, but will depend on how much progress is made on the research to address the unknowns for the next iteration.

Ms. Garfein offered herself and her staff if there is need to present to commissions and councils to help educate them about the TMDL and BMAP.

Ed Torres stated that all of the stormwater from the City of Casselberry does not discharge into the Lake Jesup basin because a portion is held back by a weir on one of their ponds. Mr. Torres wanted to make sure this was considered in the allocations. Ms. Gihring responded that she would contact him to further discuss the allocations.

Mr. Lockcuff asked if it was legally justifiable to not address TN in this BMAP. Ms. Gihring responded that decisions can be made about what parameters to focus on in the BMAP process and because of the unknown levels of nitrogen-fixation, it does not make sense to address TN until more information is known. Sherry Brandt-Williams added that the monitoring will include TN to determine if TN concentrations decrease as projects are implemented to reduce TP. SJRWMD and FDEP believe that TN levels can be controlled through TP reductions. Fred Calder noted that the Florida law for TMDLs does not require that a BMAP be created and allows for some discretion. More information is needed before projects to reduce TN can be justified. Ms. Busby noted that this information will be included in the BMAP.

Robert King stated that the TMDL is based on a series of assumptions using the best information that was available at the time. As more information is gathered, the assumptions can be refined in the next TMDL cycle. Ms. Garfein added that this is an iterative process that will not end with this BMAP.

Mr. David asked if the monitoring plan will include benchmarks for changes in water chemistry and clarity that can be used during the next TMDL review. Ms. Gihring responded that there is currently a good dataset and monitoring program in place for the basin so it will be possible to set benchmarks.

Basin Working Group Fundamentals

Operating Procedures, Mission Statement, and Membership

Ms. Busby reviewed the handout with the draft BWG operating procedures, which are based on the TWG procedures. The BWG membership was determined by the TWG based on who has a financial stake in the BMAP with representatives from environmental groups and the agencies also included. The membership can be amended by the BWG if necessary. The procedures also include a process for sending alternates. BWG members should inform Ms. Gihring and Ms. Busby if they are sending an alternate so the alternate can participate in the voting.

Bilal Iftikhar asked if the alternate can be part of the TWG. Ms. Busby responded that they prefer not to have TWG members as alternates because of Sunshine Law issues. The purpose of having two groups is to keep the TWG out of the Sunshine Law requirements to help with

coordination efforts. If there is no other option, a TWG member can be sent as an alternate but the BWG member should discourage them from voting.

Ms. Busby noted that Ms. Garfein is the FDEP representative on the BWG and is chair of the group. The operating procedures include the proposal to have the group operate by consensus, which means they will state whether they can “support, agree, accept, or cannot accept a recommendation.” FDEP would like to have BWG consensus on issues related to the BMAP but FDEP can move forward without consensus. The handout also includes a proposed mission statement, adapted from the TWG statement.

All BWG members were able to support the operating procedures. The handout will be finalized.

Ms. Busby noted that a handout was also prepared to provide information on the Sunshine Law and this handout will be sent to the group. The Sunshine Law does not allow BWG members to discuss items related to the Lake Jesup BMAP outside of meetings. The BWG can talk to members of their staff and to FDEP staff. Ms. Gihring added that if the Lake Jesup BMAP might come up in another meeting in which several BWG members will attend, that they should let FDEP know and FDEP can advertise the meeting as a BWG meeting.

Questions and Discussion

Jim Hunt asked how much notice Ms. Garfein needed to make a presentation. Ms. Garfein responded that she does not need much notice and any interested person can contact her administrative assistant, Stephanie, at (407) 893-3338 to schedule a time on her calendar.

Next Steps

Action Items

- Jennifer Gihring will post the PowerPoint presentation on the FTP site.
- Tiffany Busby will email the FTP link, Sunshine Law handout, and her contact information and Vivian Garfein’s information to the BWG.
- Jennifer Gihring will call Ed Torres to discuss allocations.

Next Meeting

Ms. Busby noted that the next meeting will be held in November or December. Several of the members requested that the first week in December be avoided because of conferences. This meeting will provide more information about the link between TP and TN reductions, monitoring benchmarks, and the allocations and how they were quantified.

Ms. Garfein thanked the members for attending and providing such a great turnout.

Adjourn

The meeting was adjourned at 10:53 AM.