

**Lake Okeechobee Basin Management Action Plan (BMAP)
Public Meeting Summary**

*Friday, January 24, 2020 at 9:00 AM
Williamson Conference and Education Center
Indian River State College (IRSC) – Dixon Hendry Campus
2229 NW 9th Ave
Okeechobee, FL 34972*

Participants

J.C. Bass, Four K Ranch	Ray Hodge, Southeast Milk
Joanne Bass, Four K Ranch	Kerry Kates, FFVA
David Bennett, Bronson Partnership	Yogesh Khare, Everglades Foundation
Vanessa Bessey, FDACS	Jacob Larson, Larson Dairy
Katie Bowes, Martin County	Kimberly Lawrence, Reedy Creek
Haley Bronson, Bronson Partnership	Emily Lawson, Orange County
Bill BuChans, Avon Park AFR	Len Lindahl, MacVicar Consulting
Susan BuChans, Glades County	Ansley Marr, NorthStar
Terry Burroughs, Okeechobee County	Linda McCarthy, Lykes
Ben Butler, Butler Oaks Farm	Telsula Morgan, Lewis, Longman & Walker
Wes Carlton, Citizen	Steffany Olson, SFWMD
Robert Claxton, B&E Ranch	Ximena Pernet, SFWMD
James Colgan, Okeechobee Cattleman	Nicolas Pisarello, ATM
Antonio Corona, Citizen	Irene Quincey, Pavese Law
Sara Davis, DEP	Ann Redmond, Brown and Caldwell
Yesenia Escribano, FDACS	HM Ridgely, Evans Properties
Marcy Frick, Tetra Tech	Gary Ritter, Florida Farm Bureau
Doug Gaston, Audubon	Brianna (Bree) Rossiter, DEP
Lisa Gemma, E Sciences	Amy Thibaut, Pavese Law
Susan Gosselin, Osceola County	Eva Velez, USACE
Paul Gray, Audubon	Benita Whalen, Florida Cattleman's Association
Chris Guth, Federico & Associates	Wes Williamson, Williamson Cattle
Rick Hartman, Citizen	

Welcome and Opening Remarks

Marcy Frick welcomed everyone to the Lake Okeechobee BMAP meeting. She noted that the purpose of the meeting is to discuss the BMAP update, which has been under development during the last year. The draft BMAP update was sent out for public review on December 16, 2019 and comments were due on January 10, 2020. Marcy thanked everyone who provided comments. An updated draft was sent on January 22, 2020 so that the stakeholders had a new version to review before this meeting. The changes made in this version will be discussed during the meeting. Due to the quick turnaround time, the Florida Department of Environmental Protection (DEP) is still working to address some comments and the additional changes will also be discussed during this meeting. Another version of the draft BMAP update will be sent out early next week, and that version will also go to the DEP Secretary next week. Marcy noted that the Statewide Annual Report (STAR) process is also underway but will not be discussed during this meeting. The participants introduced themselves and the entity they represent.

Background

Sara Davis stated that the Governor's Executive Order was issued last January. Part of the order included updating the Lake Okeechobee BMAP and the two estuary BMAPs within one year. There were several public meetings and webinars held in 2019 to work on the BMAP update, and meetings started in 2018 on the 5-Year Review, which is included as part of the BMAP update. The draft BMAP was sent out in December 2019 for review and comment. Sara stated that DEP appreciates the review and comments from stakeholders. They have been working to address comments and an updated draft went out on Wednesday. There are still edits under way. Some high-level changes were made to adjust several tables to clarify information, incorporate clarification language in the source requirements sections, and edit project details in the tables. The items in the presentation with an asterisk note where changes are still being made. An updated BMAP will be sent to the stakeholders early next week.

BMAP Update

Sara stated that Chapter 1 includes the background information. The total maximum daily load (TMDL) was adopted in 2001 and called for 140 metric tons per year (mt/yr) of total phosphorus (TP) going to the lake, of which 35 mt/yr is from atmospheric deposition onto the lake. The TMDL has a specified attainment methodology based on the five-year rolling average of data from the structures that go into the lake. The BMAP was adopted in December 2014 with a focus on the northern six subwatersheds, which is where modeling was available at the time. Sara noted that some of the text in Section 1.2 was reorganized so that it flows better, and a new figure was added to show the basins within each of the subwatersheds. Paul Gray asked if the Lake Wales Ridge is included in the BMAP even though it is not within the South Florida Water Management District (SFWMD). Sara responded that this area is part of the BMAP and is located within the Southwest Florida Water Management District (SWFWMD).

Sara stated that DEP added some language in the agriculture source section to note that the Lake Okeechobee Watershed (LOW) overlaps with the estuary watersheds. In the municipal separate storm sewer system (MS4) source section, DEP clarified that any new requirements will be implemented when the permit is renewed. A new consideration was added about the update to Chapter 40E-61, Florida Administrative Code (F.A.C.). The consideration about land uses was also clarified to note that the land uses in the BMAP were from the Watershed Assessment Model (WAM).

Sara stated Chapter 2 includes the 5-Year Review, which is required by statute. The review was due in December 2019, which is the same timeline as the BMAP update, so it was included in the update. The review talks about the progress to date, ongoing efforts, and conclusions. For the progress to date, there are updated estimated TP reductions because DEP completed the project credit calculations. DEP also added information in this section about the number of projects that are completed or planned/underway. The BMAP text was updated to clarify what land use information was used in the model and the calibration and verification periods used in the modeling. The table with the Coordinating Agencies initiatives was updated to modify the Chapter 40E-61, F.A.C. language to match the consideration in Chapter 1. In Section 2.4, the water quality analysis results were not changed but language was added with details about the types of samples and the subwatershed location for each station. In Section 2.5, the milestones chart was updated with the latest project credits. Sara noted that since the STAR uses pounds per year (lbs/yr) and the BMAP uses mt/yr, both units were added to axes of the milestone chart.

Emily Lawson stated that the required reduction is 70 mt/yr in the Upper Kissimmee Subwatershed. However, the load from urban and agriculture is only about 50 mt/yr. She asked what types of projects

they can implement to achieve the reductions. Sara responded that the first draft of the BMAP included load estimates that DEP calculated using the percent contribution from the model, which were applied to the loads from the measured data. DEP received a few comments that this comparison did not seem to be "apples to apples," so the updated draft BMAP only shows the percent contribution from the model instead of the calculated load. Emily asked what controls they can implement on the natural lands. Sara responded that DEP is not looking for stakeholders to address natural loads, and the issue is really more of how the math was done. Benita Whalen stated that there are opportunities to restore natural lands. Sara responded that there are opportunities but DEP does not have an expectation that the stakeholders will implement a project on natural lands.

Sara stated in Section 3.1, DEP adjusted the language about cost-share for agricultural best management practices (BMPs) to clarify what is occurring now and what is hoped for the future. Information about the types of cost-share BMPs was added. DEP also clarified the language to note that they only need fertilizer summary information and not the full records. Sara noted that DEP has been tracking the legislative bill language and is trying to match it in the BMAP. In the septic system section, DEP clarified that estimated loads are not to the waterbodies but the effluent loads leaving the drainfields. In the stormwater section, the text originally stated that urban clusters with 2,500 people or more would be considered for an MS4 permit, but this did not match the MS4 program rules so they changed the text to use a population of 1,000 individuals or more. In the wastewater treatment facilities (WWTF) section, the text was clarified and some additional edits are being made for further clarification. Section 3.2 describes the targeted restoration areas (TRA) approach and some language was added to clarify the steps for the unit area load and water quality trends. Section 3.3 is the water quality monitoring and a lot of edits are being made to add proposed monitoring stations from SFWMD that were missing. The list of sampling parameters was also updated to match the names used in the Watershed Information Network (WIN) database. The section title was modified to remove the word "frequency" since the sampling frequency varies by entity and type of station.

Sara stated that Chapter 4 includes the details for each of the subwatersheds and the lake. The land use summaries are based on the information in the WAM. A total of about 45 stations were added to eight of the subwatersheds. In addition, less than five inactive stations were removed from the plan. In the TRA results by subwatershed, DEP clarified where the flow evaluation information came from and adjusted several flow results. The project tables were also updated with edits to descriptions from the stakeholders. In addition, the in-lake monitoring map was updated to show the proposed monitoring.

Sara stated that Chapter 5 includes the updated TRA information in the summary table. DEP added language in the request for information (RFI) section because they received a lot of questions about next steps. DEP is looking at the submittals for funding opportunities, so this was included in the BMAP. The updated project credits were also included in Chapter 5. In Appendix B, the Florida Department of Agriculture and Consumer Services (FDACS) provided new tables and figures. These figures provide details on the unenrolled acres by subwatershed. There were no changes to Appendix C or Appendix D. In Appendix E, the same clarifying language for future steps on the RFI submittals was added and the date when the RFI was released was added.

Antonio Corona asked what the new agriculture charts are showing. Yesenia Escribano responded that DEP approached FDACS a few months ago and asked FDACS to paint a picture about what is occurring for enrollment in each subwatershed, including information on what is not enrolled in BMPs. FDACS

looked into the unenrolled areas to determine how many acres of agriculture, how many parcels, and how many owners are included to help tell the story about how FDACS identifies whether a parcel is considered agriculture and what is needed to enroll that parcel. FDACS used the Florida Statewide Agricultural Irrigation Demand (FSAID) geodatabase, which has a statewide coverage of agriculture. FDACS looked at the areas that are not enrolled in BMPs and compared those areas to property appraiser data. These areas are mostly low intensity agriculture that cover a lot of owners. Sara added that this is helpful information on why FDACS has not achieved 100 % BMP enrollment and why that is difficult. Yessenia noted that, as part of the evaluation, FDACS did not include parcels owned by water management districts. The information in the figures is based on a desktop analysis, but FDACS will still need to go into the field to verify the information. Wes Carlton stated that a lot of the owners do not live in the area, which adds another layer of difficulty.

Benita stated that there was some discussion about changing the BMAP to reference the final version of the bill because of the timing of the BMAP. Sara responded that there have been discussions about this at DEP and how to address the timing issue. The bill language at the time the draft BMAP goes to the DEP Secretary will be included. Benita noted that it would be good to reference the final bill language in the BMAP. A stakeholder asked what is meant by clarifying the fertilizer language in the BMAP. He asked if DEP is going to the level of asking producers to track what they apply. Sara responded that DEP would like to know the total amount of fertilizer applied by subwatershed, not the details by producer. This is what they were trying to clarify in the BMAP revisions.

Kimberly Lawrence asked for an explanation of the flow analysis in the TRA tables. Ximena Pernet responded that SFWMD did this analysis as part of the Lake Okeechobee Protection Plan (LOPP). They used data from before the LOPP was adopted and after adoption to look for trends in loads and flows. This analysis was conducted by subwatershed but also by basin, where data were available. The data period was from 1991–2018. Kimberly Lawrence stated that she does not believe there was not a change in flows in the Upper Kissimmee basins during that time. Sara responded that DEP can help facilitate a discussion about the details (note: Kimberly talked with SFWMD after the meeting).

Next Steps

Sara stated that DEP is finalizing the BMAP edits and will take final comments today. DEP staff will brief the DEP Secretary next week. Once he signs the Secretarial Order for adoption, there will be a 21-day notice period, which is the last window to make changes before the BMAP is effective. This BMAP would then replace the current BMAP.

BMAP Comments

Antonio asked what the definition is of a natural area. Sara responded that DEP uses land use data that are developed by SFWMD to define natural areas. These areas include uses like water and upland forest, among others. Antonio asked if natural areas are not required to meet standards for loading. Sara responded that, for example, in a city with urban areas and natural areas, DEP is not expecting the city to implement projects in the natural areas. The goal is to start with projects in the urban areas that have higher loads. Antonio asked if he lets his ranch go back to natural conditions, is he finished with the BMAP. Sara responded that if he turns his agricultural lands to natural lands then his requirements as agricultural lands go away. Antonio asked if loads from natural areas are monitored. Sara responded that natural areas are monitored and the natural loads are included in the total loads to the lake. The goal of the BMAP is to address the portion of the load that is anthropogenic and was added beyond the

natural conditions. Antonio asked if they will just be sent a new version of the BMAP. Sara responded that most of the edits were included in the version that went out this week and some final edits will be in the version that goes out next week. Linda McCarthy suggested just referencing the bill instead of trying to match the language. Sara responded that she would bring back this comment to her management. Yesenia noted that during the 21-day notice period, people can still provide comments. She asked if there are major comments, could the BMAP be changed. Sara responded that the BMAP could be changed.

Wes Williamson asked if all publicly owned lands are considered natural. Sara responded that this depends on the land use in the coverage. Wes asked if private conservation easements are considered natural. Sara responds that this also depends on the land use coverage. Depending on when the easement went into place, it may not be reflected in the land use coverage. Bill BuChans stated that there is a lot of land around Avon Park Air Force Base that is going back to natural. Gary Ritter asked if the stormwater treatment areas (STAs) north of the lake are considered to be SFWMD projects. Sara responded that these can be either SFWMD or Coordinating Agency projects. Linda stated that their conservation easement still has cattle on it so they are enrolled and subject to BMPs. Wes Carlton stated that state lands should be required to do what the individual producers have to do. Sara responded that if state lands have agricultural uses, then they should be enrolled.

James Colgan asked if the requirements on the landowners are changing. Sara responded that the requirements for agricultural landowners are to either enroll in a BMP program or monitor to show they are not contributing to water quality problems. The legislature is working on new language related to the statutes, but she has not heard of any changes to these requirements.

Doug Gaston stated that the draft BMAP talks about updates at a future date. He asked what the process and timing is for this update. Sara responded that DEP was required to update the BMAP within one year of the Executive Order. Also, by statute, DEP has to indicate whether the TMDL can be met within 20 years of the initial BMAP adoption in December 2014. Based on the information received to date, it does not look like this can be achieved but there are things in development, such as new technologies from the RFI submittals. The BMAP notes that a few years are needed to gather data on these new strategies and then the BMAP will be updated. The timing of this update is not known at this time. Paul noted that there used to be an Interagency Committee (DEP, FDACS, and SFWMD) that met regularly, and it might be a good idea to start that up again to help with coordination. The storage planned north of the lake will only capture about 10 % of the flows. Without a way to store and treat more of the flow, we will not be able to achieve the TMDL so it would be good to meet and talk about more projects. Sara responded that while there is no longer an official committee, the agencies do have several standing coordination meetings and they are talking regularly. The issue is not really coordination but how to accomplish the goals, which are not easy.

Susan BuChans stated that the Glades County projects are not included in the BMAP. Sara responded that the updated draft should include those projects. Once the BMAP is adopted, DEP collects project information annually so there still opportunities to add projects. Paul stated that he likes the additional WWTF requirements. Jacob Larson stated that they are doing their best to manage the land, but it will be difficult for people to make a living moving forward with low intensity agriculture. The last few years have been difficult and more intensive uses will be required to make a profit. The landowners are also trying to help provide water storage on their properties. The state needs goals to limit people in the area

because everything is turning into houses. Wes Carlton noted that the septic system map in the BMAP shows the high number of systems on the Lake Wales Ridge. People focus on the septic systems along the lake and Kissimmee River but the most systems are on the ridge.

Adjourn

The meeting was adjourned at 10:05 am.

Action Items

- DEP will send an updated version of the BMAP update early next week.