

**Meeting Minutes**  
**WATER QUALITY PROTECTION PROGRAM CANAL**  
**RESTORATION ADVISORY SUBCOMMITTEE**

July 26, 2013

9:00 a.m. – 12:00 p.m.

Marathon Government Center, Board Meeting Room  
2798 Overseas Highway, Marathon, FL 33050

**Member and Advisory Attendees:** Gus Rios - FDEP, Mayor George Neugent – Monroe County, Commissioner John DeNeale – Key Colony Beach; George Garrett – Marathon; Susan Sprunt – Islamorada; Skip Haring – Layton; Charlie Causey, John Hunt – FWC . Steve Blackburn – EPA and Scott Donahue - NOAA (representing Billy Causey) teleconferenced in. See attached attendance record.

**Members not in Attendance:** Alison Higgins – Key West; Billy Causey – NOAA

**Advisory:** Rhonda Haag – Monroe County, Wendy Blondin – AMEC.

Commissioner David Rice was welcomed as an audience member.

**1. Introduction and Approval of the July 12 Meeting Minutes.** Gus Rios called the meeting to order at 9:07 a.m. Minutes from the July 12, 2013 meeting were approved, as moved by Mayor Neugent and seconded by Commissioner DeNeale.

**1A) Permitting Letter** – Gus reminded the members that he had sent a draft of the permitting letter to them for their review. They are to get their comments in to Gus.

**1B) Islamorada Participation** – Susan Sprunt was pleased to announce that the Village of Islamorada has committed \$100,000 for the canal demonstration projects.

**2. Alternatives for Canal Backfilling** –The University of Miami has agreed to take the samples and perform analyses to determine the effect on dissolved oxygen. These results will then be provided to DEP. Rhonda has the samples today to provide to U of M staff. John Hunt indicated a need to include in the research whether glass, a silicate product, can be approved for use in a marine environment.

Wendy provided preliminary information on the pricing of fill material, including purchase and transport, as follows:

Option #1: Fill Purchased from a local quarry and trucked to site. \$12.75-\$20.00/ton.

Option #2A: Utilize fill material from Port of Miami dredge material, barge material to Key Largo \$90/ton

Option #2B: Utilize fill materials from Port of Miami dredge material, stockpile in Miami and truck to Key Largo \$29/ton.

Rhonda said the County is pursuing a meeting with Miami to further discuss the Miami dredge option. Mayor Neugent said we are also pursuing use of the fill from the Cudjoe sewer system project. Gus said the permitting group will review all of these options to determine if the fill is of acceptable quality and can be permitted.

**7. Demonstration Canal Selection Criteria** – Wendy provided an update on the Demonstration Canal progress. She is only including canals from unincorporated Monroe County. AMEC will provide a minimum list of 15 canals to Monroe County for the demonstration projects. A list of draft evaluation criteria for Phase 2 ranking was handed out. Criteria included severity of water quality impact, homeowner and public benefit, homeowner funding support, ease of permitting, ease of project implementation and potential to provide improvement to sensitive resource. Cost of restoration and geographic distribution of projects were also mentioned.

Discussion on each of the criteria was held. John Hunt said it was difficult to evaluate the “potential for improvement to sensitive resources”. George Garret stated the Little Venice wastewater project in Marathon did help with nearshore water quality issues, but there were not enough data to statistically measure the effects. Not enough water quality data existed from the canals to properly set up a baseline data set. The “severity of water quality impact” appeared duplicative, as this was already a criteria in the Phase 1 grouping and ranking. “Ease in project implementation” includes nearby utility hookups, access to canals, and potential for a staging area. “Homeowner benefit” is the number of homes on a canal. “Public benefit” includes any benefits to the public, including public boat ramps. “Homeowner interest” includes the proactive interest of homeowners who are interested in a demonstration project, and who have committed to providing the operation and maintenance of a demonstration project. “Homeowner funding support” includes funds provided by homeowners for the installation of a demonstration project. Mayor Neugent asked for public comment during the discussion.

**Public Comment Period #1** – Barry Wray specified that one person can object to a project, and that this could delay a demonstration project.

Charlie Causey asked if a 30 day notice of challenge during the permitting phase is enough. This happened in Treasure Harbor. Gus said that under Florida Law, Chapter 120 of the Florida Statutes, persons who may be affected by a permitting action may petition an administrative hearing. Petitions must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, for those entitled to receive written notice under the Law, whichever occurs first. Mayor Neugent reminded us that EPA has mandated that the County clean up its impaired waters, which includes the canals, and asked that EPA and DEP unite with the County during the permitting process to help ensure the projects move forward. Rhonda said the County will create a process to ensure approval from the homeowners for a demonstration project before the project begins. Steve Blackburn stated that EPA is totally supportive of the County’s efforts, and that’s why TMDL criteria and its consequences are currently being held off against the County. However, if the County does not make progress in improving its impaired waters, then the County may be facing regulatory consequences from EPA and DEP. John Hunt suggested this team use only the technical criteria, and let the Monroe BOCC add in the non-technical factors as desired. Wendy stated that “geographic distribution” was not necessary to include as a criteria as the other criteria identified canals throughout the Keys. John Hunt moved to delete severity of water quality impact, homeowner and public benefit, homeowner funding support and potential for improvement to sensitive resources. Charlie Causey seconded. Further discussion ensued. (The motion was later withdrawn for a newer one.)

**Public Comment Period #2:** Mark Weinberg, homeowner on Big Pine Keys, wants assistance to help permit a canal muck removal project on his property. He is not seeking financial assistance, only permitting assistance. Gus Rios agreed to assist.

Steve Konop agreed with Mr. Weinberg. The canal is 12’ deep, but there is only 6’ of water at times due to the increased levels of organic muck. He suggested piping water to the back of the canal to help.

Deb Curlee is glad this team can help with permitting issues too. She has deep muck in her canal and is interested in it being a demonstration project, and if not selected, would like permitting assistance.

Donna Lorenzo who lives on BPK is willing to give easements and access to their canal if selected as a demonstration project.

Action Item: Rhonda will put a link to County permitting staff on the canal website to assist the public. Wendy stated one of the goals of the demonstration projects is to streamline the permitting process for future projects that may be conducted by the homeowners themselves.

Curtis Brown of Whispering Pines on BPK said he will present details to the homeowners on his canal. He needs details though. His neighbors protested a weed gate, but were accepting of an air curtain. We need to keep the canals clean. He said the solutions for canal restorations differ by geography, and that solutions will differ from canals on the east side versus the west side, where the wind is less.

John Hunt stated that the non-technical criteria could drastically slow down the progress of the projects, and that it may not be impartial. He moved to have a Phase A and B to the criteria, and that phase A include 1) ease of permitting, 2) ease of project implementation as the only two criteria. Motion passed.

Robert Duncan, president from the Lower Matecumbe Beach POA stated he is interested in having their canal be a demonstration project. The canal winds in and around. He asked if a restoration project could cross over local roads or U.S. 1. Wendy stated it could cross local roads, but not U.S. 1.

Further discussion occurred. Charlie said a municipal taxing district must be set up to guarantee there will be funds available for the maintenance and operation of restoration projects. Mayor Neugent said we will bring legal staff to a future meeting to inform the committee as to the legal obligations of the County and the homeowners to restore impaired waters. Gus said it is clear that we must adhere to the statutory wastewater implementation deadline of December 1, 2015, but with canal restoration, the obligations and penalties are more comprehensive in nature. Failure to achieve the water quality targets of the Florida Keys Reasonable Assurance Document (FKRAD) may result in additional regulatory requirements by USEPA and the State of Florida through imposition of Total Maximum Daily Loads (TMDL). Members discussed the homeowner funding, and that requiring it could slow down the demonstration projects. Wendy suggested an application for homeowners to complete for details on canal, names, interest in funding and operations and maintenance. Mayor Neugent mentioned the MSTU is needed for maintenance, and that a binding commitment is needed from homeowners before the projects begin. John Hunt suggested that this committee select the top 5 projects for BOCC consideration, but include all top 15 as backup for BOCC review.

John Hunt moved that there be a Phase A and a Phase B to the canal demonstration selection criteria, and that Phase A include Ease of Permitting and Ease in Project Implementation. The top 5 projects derived from this list of criteria would then be presented to the BOCC for approval, with the entire list of 15 provided as backup. The BOCC could set the Phase B selection criteria if desired, which could include homeowner acceptance to maintain the system(s), homeowner funding support, homeowner benefit, and any other criteria. There was a second for the motion. After some discussion, motion passed.

**4. DEP and EPA Funding** –Steve Blackburn stated EPA has \$300,000 available for the canal restoration program. However, there was a very quick turnaround required. EPA issued a grant to FIU for the pre and post monitoring of the selected canals, and will include benthic (sea grass) monitoring. The funds will be available over a 2 year period, perhaps 3. He stressed the need to move forward with the projects so that monitoring could begin and also so that the funds would be used within the allowable time period. This advisory committee will determine the criteria for monitoring. Kathleen from the U of Miami will help with the criteria selection, as she has extensive experience with monitoring of canals in the Bahamas. Charlie Causey moved to have this committee provide recommendations for monitoring, Skip Haring seconded. Motion passed. FIU will be invited to a future meeting to discuss.

Charlie asked if water quality was as important as sediments, as water quality changes with tide flushing. John Hunt said we need to have water quality monitoring, as well as other types of monitoring. The Little Venice canal monitoring program could be used as a model. He also stated that strict science based monitoring could be useful for future grant applications. Gus asked to have FIU bring a monitoring proposal to the next meeting.

**5. Public Comment Period #3-**

Barry Wray stated that homeowner funding match should be mandatory.

**6. Next meeting date, place, and agenda topics.** The next meeting is tentatively scheduled for THURSDAY, August 22<sup>nd</sup>, from 8:00 a.m. to noon at the Marathon BOCC room. Topics include designation of the monitoring criteria.

The meeting adjourned at 1:05 p.m.