

Meeting Minutes
**WATER QUALITY PROTECTION PROGRAM CANAL
RESTORATION ADVISORY SUBCOMMITTEE**
January 16, 2015

9:00 am – 12:30 pm
Marathon Government Center, BOCC Board Meeting Room
2798 Overseas Highway, Marathon, FL 33050

Member and Advisory Attendees: Gus Rios - FDEP; Commissioner George Neugent – Monroe County; John DeNeale - Key Colony Beach; George Garrett - Marathon; Charlie Causey – WQPP SC Member; Skip Haring – Layton (on the phone).

Members not in Attendance: Susan Sprunt - Islamorada; Billy Causey – NOAA; John Hunt – FWC; Alison Higgins – Key West; Steven Blackburn – USEPA.

Advisory: Rhonda Haag – Monroe County; Wendy Blondin – AMEC; Gregory Corning – AMEC; Michael Roberts – Monroe County; Rich Jones – Monroe County; Annie McGreenery – FWC (meeting minutes); Greg Corning – AMEC; Jeremy Paris – AMEC.

Permitting Team: Marissa Krueger – FWC; Maria Bezanilla – USACOE; Trisha Stone – SFWMD; Barbara Powell – DEO; Joanne Delaney – NOAA FKNMS (on the phone).

FIU Monitoring Program: Dr. Henry Briceno – FIU; Dr. Jim Fourqurean - FIU

1. **Introduction and Approval of the Meeting Minutes.** Gus Rios called the meeting to order at 9:05 am. **John DeNeale moved** that the Minutes from the November 21, 2014 meeting be approved and **Charlie Causey seconded, all approved.**

Gus Rios reviewed the agenda for this meeting and items that would be discussed. He introduced some of the permitting participant on the phone. Gus pointed out that during Public Comments item each person from the Public has 3 minutes to speak and encouraged the public to keep to the 3 minute time frame. Gus requested members of the public who wished to speak to sign the Public Comment form.

2. **Update on Islamorada Village of Islands Demonstration Projects – Wendy Blondin and Mayor Mike Foster**

Mayor Mike Foster: On behalf of Susan Sprunt he is giving an update on Islamorada canal demonstration projects. We appreciate Monroe County letting Islamorada come to the table and a proud constituent. The Village is working on a video and it will be completed in about one month. They look forward to sharing the video with the Subcommittee very soon.

Gus Rios: On behalf of everyone on the Subcommittee, we want to congratulate Islamorada for a job well done.

3. **Review of County Demonstration (Demo) Projects and Related Issues – Wendy Blondin and Rhonda Haag**

- **Geiger Key Culvert Project (DEP Funding Agreement)**

Wendy Blondin: Discussed the culvert project, the work was bid and selected to Charlie Toppino and Sons. Part of the project is being funded by a DEP grant and part of it is being

funded by Monroe County. This is one of the canal demonstration projects and is being monitored by FIU. AMEC will be doing the oversight. This is the first canal to go through the permitting process. It is also gaining a better understanding of the costs associated with the project. It has also provided insight on how to streamline the permitting process in the future. There is a pre-construction meeting this afternoon and anticipate the construction to start in February-March. It is about a 10 to 14 day construction schedule so the culvert is expected to be in place and working soon.

Charlie Causey: Asked about future maintenance of the culvert down the road. **Wendy Blondin:** All maintenance cost Monroe County has agreed to pay for them for two years, after that it will be up to the homeowners association. Monroe County wanted to pay for the first two years, until they work out the agreements. The applicants are the County and the two homeowners were the culvert crosses their property. **Charlie Causey:** Feels it is really important to address the future maintenance of the projects. **Gus Rios:** Noted his concern.

Trish Stone: We currently have one of the homeowners is requesting to transfer ownership to the county and want to be off the permit. **Wendy Blondin:** We have already uploaded the transfer papers to the new owner. Trish will email Wendy, so she can research further.

Wendy Blondin: The benefits of this culvert project are that the quality of this canal was very poor. By adding the culvert it allows natural tidal flushing across the key. Culverts are by far one of the most efficient technologies. The diameter of the culvert is a 24" x 38" elliptical. It needs to stay up above the sewer line.

- **C29 Key Largo Backfill Update**

Wendy Blondin: Backfill project in Sexton Cove, this canal is over 35' deep. It has pockets of anoxic high and hydrogen sulfide. The muck at the bottom of the canal can be flushed during storms and cause a horrible off sight impact. The goal is to bring clean backfill and raise the elevation up to approximately -7.7 mean low water. This project did go out for an open request for proposal, had an opening on January 6th. Adventure Environmental was the lowest bid at \$1.36 million. The engineering estimate was \$1.3 million. We are anticipating a contract approval at the January BOCC meeting.

Wendy Blondin: We received the water management district permit in October, we received our sanctuary permit at the beginning of November, and we received our Corp of Engineer permit on the last day of the year (12/31/14). I want to thank everyone, thank Maria Bezanilla, Rachel Sweeney, Brandon Howard, and everyone one that helped. The subcommittee thanked everyone with a big cheer and clapping hands. The final permitting is with Monroe County, there is a special use permit for the temporary construction staging. We have the permits in and it is going for approval on the January BOCC meeting. Everything is in place with the building permit and will be finalized when we receive our special use permit.

Wendy Blondin: One of the major components of these demonstration projects was to go through the entire permitting process and learn how we can expedite things because we know that getting canal restorations for private homeowners can be extremely cumbersome.

Rhonda Haag: There is one small minor issue, the lot on the corner; we are still in the process of obtaining homeowner approval. It is the only vacant lot on the canal. The owner will need to sign an approval; this might delay the process until the February BOCC meeting. If this homeowner can't be found then we may have to change the permits and barge the fill in because this is the only vacant lot.

Wendy Blondin: One technical item to be brought to the subcommittee. The proposed fill is from the SDI quarry. They provided very detailed specifications and it will be screened crushed lime stone all native material. Upon FIU recommendation, they provided a phosphorous value: 1.87 parts per million. So the fill source looks good and has gained approval from FIU.

Wendy Blondin: This project will have a homeowner impact issue, turbidity curtains at the opening of the canal. When there is full work inside the canal, in order to have marine sanctuary water protected, you need to have full turbidity curtains maintained during the time of construction. We are working with the homeowners association with this issue.

- **C266 and C290 Organic Removal Update**

Wendy Blondin: Two organic removal projects one in Doctors Arm and one between Avenue I and J, both on Big Pine Key. This is the removal of the decade muck on the canal bottoms. The methodology is to use vacuum hydraulic dredging. This methodology is the least disruptive of water quality impacts. Since it is under a vacuum any disturb sediment is being sucked out of the water. This is just the removal of muck at the bottom and will not be disturbing the original canal. We filled out a request for proposal; the opening began Wednesday 1/14/15. We asked contractors to provide a price for doing both canals together or individually. The lowest bid was \$1.8 million; canal # C266 was \$1.202 million and canal # C290 was \$.85 million. The logistic on trying to find space and removal of this material just causes time. The proposals are still being evaluated.

Wendy Blondin: A permitting update; we have had marvelous help with the regulators, Water Management District permit the beginning of December, Marine Sanctuary permit before Christmas, and the Corps of Engineers by January 2nd. We have submitted a special use permit submitted to Monroe County and plan to go to the BOCC in February. The comp plan amendment that would allow the removal of the material to greater than -6.0 feet means low water. Approval is estimated to be early March.

Charlie Causey: Where is the muck going to go? **Wendy Blondin:** The lowest bidder has proposed to take the material to Sea Critters in Key Largo, which is a shrimp farm. **Rhonda Haag:** What is Sea Critters going to do with the muck? **Wendy:** The proposals are under review. We have been contacted by some of the contractors regarding re-use of this material. **George Garret:** Sea Critters are far away from any pollutants and they have wells for their water supply. So they are not going to do anything that impacts their wells or their shore. The facility is in an upland area from the wet lands. **Charlie Causey:** Just wanted to be sure that the removed muck does not get back in the water and comes back down to the rest of us.

Rhonda Haag: One unresolved issue is the homeowner access into and out of the canals during construction. **Commissioner George Neugent:** Heard an objection from a canal resident regarding the time it will take to complete the canal construction project.

- **Remaining County Demo Projects**

Wendy Blondin: An overall budget/expenditure summary of all the costs of all the demonstration projects and what we anticipate in the future. This includes the Monroe County maintenance costs, we estimate \$5.2 million. There was detail discussion on each canal project and the estimated or bided costs. **Commissioner George Neugent:** It would be beneficial to have a chart listing the entire demonstration projects and their associated costs of either bid or estimate.

Rhonda Haag: Some citizens are concerned about the closure of their canal due to muck removal demonstration project. The homeowners have been invited to discuss the hardship that the canal closures may cause. The demonstration projects have an expedited schedule and that it inconveniences some homeowners. We need to hear if they are interested in use moving forward with these projects. Perhaps we can help address any concerns they may have. The reason why we expedited the schedule, at the request of the county administrator, is because he is going to be standing in front of the Florida Legislature in the beginning of March and asking for many millions of dollars so we can continue to restore canals in Monroe County. In order to receive that money we need to show that we are moving forward and completing the demonstration projects. **Commissioner George Neugent:** We will be talking to the legislature shortly (in 6 weeks), we want be able to stand before the Governor and cabinet as well as anyone who we speak to in Tallahassee about the accomplishments in the demonstration projects. It is important that we start the different demonstration projects and need to continue to move forward. As the issues rise to the top we will deal with them. Slowing down is not an option. Hardships that we create need to be discussed.

Rhonda Haag: The estimated closure for Canal C290 between Avenue I and J (Big Pine Key) is 45 days Monday through Friday; this is a closure of 9 weeks. The Doctors Arm (Big Pine Key) is an estimate closure of 12 weeks. Once we obtain cooperation from the homeowners we can move forward.

4. Public Comments # 1:

C266 and C290 Organic Removal:

- **Platek (no sign in):** I may have a solution to staging on the C290 canal. I have property at the head of the canal; right now it has a trailer on it. The old trailer could be hauled off the property, allowing more land for staging. I would need assurance that the property is still buildable after the trailer is removed. There was a concern about debris removal in the boat slips as well at the boat lifts. **Wendy Blondin:** There is some concern about how close they should get to the sea walls. We will have to keep a distance away from the sea walls just to ensure we do not too close. But the boat slips were included in the initial volume estimates.
- **Dr. Matt Finn:** The staging area is going to be on my vacant lot but it also included the front of the property. The turnaround basin has not been addressed. My major concern is the canal closure for boat traffic. However now I hear that the closure will be only 9 weeks, I am good with that. The future of the maintenance of the air curtain is very important. **Wendy Blondin:** The air curtain that you are referring to was installed by the homeowners association and is not part of the demonstration projects. Canal C290 was added on, by this subcommittee, due to scientific reasons. Canal C290 already had an air curtain and it was felt that removing the muck at the bottom would be beneficial for a demonstration project. Therefore we can compare the difference between just debris removal demonstration versus an air curtain and debris removal demonstration.
- **Pera Thurman Wood:** We have been on the canal for 30 years. Her dad worked endlessly on the canal. A friend has been working very hard to keep the air current working and maintained. She wanted to thank the neighbors and the subcommittee for taking on the demonstration projects.
- **Rhonda Haag:** So it sounds like I can move forward on Avenue I and J and the Doctors Arm demonstration projects.

Eden Pines comments:

- **Rhonda Haag:** We will probably go to the BOCC February commission meeting and discuss the estimated costs and determine whether they want to proceed with all the projects.
- **Wendy Blondin:** Review current status, the issue was there was a slight delay with the US Fish and Wildlife having access to sensitive areas (enhanced wetland) with the 1st design.

AMEC presented an alternate design which is putting an intake pump right at Watson Blvd. then pumping the water to the back fingers of Eden Pines. The US Fish and Wildlife reviewed the alternative design and felt they could help AMEC find a more streamline approval process. So we anticipate that in February we will begin rolling out Eden Pines provided that BOCC and this subcommittee want to move forward.

- **Mark Knez:** The homeowners wanted an update.
- **Linda Crushka:** What do we need to do to help move forward with the US Fish and Wildlife?
Commissioner George Neugent: Linda the issue was that the first design would have been a fight with US Fish and Wildlife and we did not want to take that path. With the alternative design, we will be able to gather enough information so that they are comfortable to allow the demonstration project to continue. What you can do is let the Refuge (Nancy Finnley – present refuge manager) know that you like what we are doing so they know that we have public support.
Gus Rios: The initial design would have dumped the canal water into a sensitive wetland area that was recently restored by the USFWS. They want to make sure that in improving your canal we do not cause damage to other sensitive areas within the Refuge.
- **Bob Andrews:** There was concern that the subcommittee was going to switch gears and go to a canal in Key Largo. It sounds like that is not the case and we are going forward with Eden Pines being one of the demonstration projects.
- **Commissioner George Neugent:** Monroe County and the other municipalities have collaborated in inter-local agreements on proposing legislation for Amendment #1. 30% of the dock stamp money through real estate sales will go toward Amendment #1. This primarily addresses land acquisitions. This could be as much as 670 million dollars in the very first year. We are proposing to the legislature that Monroe County over the next 20 years receive \$25 million per year. When we talk about having something of substance that we can present to the legislature – these demonstration projects need to be moving forward as quickly as possible so they know our commitment. We want to show we are serious about addressing water quality issues today that were created decades ago. So this is a potential funding source that Monroe County can tap into to move project forward on a timely bases.
- **Bob Mullen:** He wanted to voice how pleased he is on the progress made on all the demonstration projects. He feels that the concern with Eden Pines Homeowners Association is that they do not drop off the radar screen of the subcommittee. He encourages moving forward with the Eden Pines demonstration project. He would like to recommend letting the engineering for the culvert and pumps demonstration project continue. Nancy Finnley wants Eden Pines to be cleaned up as much as the homeowners. He hopes that the projects continues under the original \$5 million, however if that does not happen then be shovel ready when additional funds are available.
- **Fred Haerberer:** We have been in contact with Nancy Finnley by phone and email and she has assured the Eden Pine homeowners of her good will of water quality. Without the water quality data that has been requested by her no informed decision can be made on whether to permit this project to go forward or not. Fred thinks it would be valuable to the project if Nancy Finley be more involved and meeting is coordinated with her availability when we meet again.
- **Mark Knez:** He wanted to encourage the subcommittee to keep Eden Pines demonstration project #4 regarding funding.
- **Commissioner George Neugent:** Another potential funding source for the Monroe County and Municipalities which was submitted to BP water quality restoration. Their submission of these projects made it to the top priority of the short list. Federal Judge Bartia ruled on the amount of oil that was dispersed in violation of the clean water act in the deep water horizon blow out. That number feel into what BP was saying and EPA was saying. It is a benefit for us from a funding standpoint it will generate more funding because of that violation. And BP was found to have gross negligence killing 11 people. So, locally Monroe County will be able to participate in those funds. Our amount of that settlement was \$1.2 million dollars. 47 projects

were submitted to request funding of the pot of funds. Canal restoration and coral restoration rose to the top of the priority list so the \$1.2 million will be split between these two projects. This brings more money to the table for canal restoration. Hopefully BP will not appeal. In preliminary discussion the County and Municipalities may receive \$0.5 million. He has asked the staffer to bring back to this subcommittee the disbursement of those dollars. Ultimately BOCC will make the decision on how the money is split up but it would be nice to know that there is support from Water Quality Protection program and also the subcommittee in weighing on how the money is split and where the money goes. Hopefully BP will not appeal and we will be able to move some of these projects at a quicker pace.

- **Gus Rios:** Reviewed the comments made by the Eden Pines homeowners: (1) this is priority for water quality in light of that what can the subcommittee do and what can Eden Pines Homeowners Association do in order to move the Eden Pines demonstration project forward; (2) Task Wendy Blondin, with BOCC approval, to put together the scope of work and the data that the US Fish and Wildlife needs in order to properly review the alternatives. Come up with a plan (B) that we can present to the US Fish and Wildlife service, engage with them and even invite them to the next subcommittee meeting that way we can all discuss the project.
- **Wendy Blondin:** Did present the alternative, plan (B), and US Fish and Wildlife said they could work with us. Plan (B) is going to be a little more complicated than the original design, but US Fish and Wildlife will work with us on streamlining the process. So really the next step would be authorizing AMEC to go ahead with the funding to do the design phase. The design could potentially be done before March and potentially request for proposal and bids acceptable by March. I will need the commitment of the funds and approval to design a scope of work. To further qualify, AMEC did bring preliminary water quality data to her but we are looking forward to FIU giving us more specific water quality data in the presentation today. She will be working with Dr. Briceno in coordinating the outreach effort.
- **Rhonda Haag:** She will request from the BOCC to move forward on the design and engineering of the Eden Pines demonstration project.
- **Gus Rios:** Our goal is to have a scope of work, sent out to the Eden Pines residents for review and presented to the US Fish and Wildlife just in case we need to use their land and seek approval from them.

Eden Pine Demonstration Project:

- **Gus Rios:** Recommend to this subcommittee to present the preliminary design, alternative (B) to US Fish and Wildlife at the next meeting. If we have consensus then AMEC can proceed and then discuss action to secure funding to complete.
- **George Garrett:** Making the **motion** this subcommittee to present the preliminary design, alternative (B) to US Fish and Wildlife at the next meeting. If we have consensus then AMEC can proceed and then discuss action to secure funding to complete. Commissioner **George Neugent** seconded the motion.
- **Gus Rios:** Invite Nancy Finley to a subcommittee meeting so that she can comment on the design as well as the Eden Pines homeowner's public comment as well. Then we can have all comments incorporated into the final design. At that meeting we will determine if we are moving forward with the project and determine if additional funding is required and how the project will move forward.
- **Gus Rios:** Repeated the motion on the table to include an item in the next meeting on the agenda for AMEC to present the draft design, the scope of work for the Eden Pines demonstration project and asked the Subcommittee to vote on the motion. There will also be water quality data that Dr. Briceno will report today. Bring Nancy Finley to our next meeting for comments on the design. **All agreed on the motion.**

Organic Removal Projects (C266 and C290 Organic Removal)

- **Rhonda Haag:** Requested a discussion regarding the Organic Removal projects budgets since we are now over the \$5 million funding designation. She would like a vote on whether the organic removal projects should move forward on C266 or C290 or both projects.
- **George Garrett:** made a **motion** to move forward with both C266 and C290 organic removal projects. **Commissioner George Neugent seconded the motion.**
- **George Neugent:** The motion has passed, however BOCC will need to approve the additional \$200,000 (minimum) to cover the cost of the overrun. Do we have any contingency plans for the cost overrun? He is recommending prioritizing these two projects so that if there are cost overruns a contingency plan is in place.
- **All agreed on the motion.**

5. Public Outreach Update – Rhonda Haag

- **Rhonda Haag:** We are now ready to move forward on the outreach. We have an EPA grant for the funding the outreach program and we will begin in March holding some community meetings. March 10th meeting in Key Largo at 6:00 pm and March 12th meeting in Marathon at 6:00 pm in the BOCC room. The outreach presentation will include the whole master plan, the demonstration project, the water quality issues, how people can get involved and how homeowners can tap into the expediting process.

6. Benthic Monitoring Report – Dr. Jim Fourqurean

Dr. Jim Fourqurean: Gave an update on the Benthic Resource Monitoring program. He has been monitoring close to and in the canals in the master plan. FIU is constructing a web site: <http://seagrass.fiu.edu>. Since 1995 they have been running a Benthic Monitoring Program for the Florida Marine Sanctuary on the soft bottom and hard bottom sites. **Jason Howard** who is leading the programs gave a presentation. **Gus Rios:** The data that is being gathered is considered the baseline giving us a picture now before the demonstration projects are completed, then we will be able to monitor the improvements over time. However the Benthic communities take a long time to change. **Dr. Jim Fourqurean:** We would expect that the benthos/benthic communities would not show a lot of improvements for about a decade.

7. Water Quality Monitoring Report – Dr. Henry Briceno

Dr. Henry Briceno: Gave us an update on the Water Quality Monitoring program and are developing a web site. **Gus Rios:** Our public folks are asking how they can access these data. We will all have to wait until the reports are complete. This information will be used as the baseline data to determine the impact of the different demonstration projects have on the canal water quality.

8. Public Comment #2:

Bob Mullen: The Eden Pine canal, C278, is dependent on the data that is generated from the Water Quality Monitoring program. Is there a way to have this data available through a public domain? Henry Briceno will do his best to make this information available to Monroe County as soon as possible.

9. Next meeting date, place, and agenda topics:

The next meeting will be scheduled for April 2015 in the BOCC board meeting room, Marathon Government Center.

Meeting adjourns at 12:25 pm.