

Meeting Minutes
**WATER QUALITY PROTECTION PROGRAM CANAL
RESTORATION ADVISORY SUBCOMMITTEE**
November 21, 2014

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; Susan Sprunt - Islamorada; John DeNeale - Key Colony Beach; Charlie Causey – WQPP SC Member; Billy Causey – NOAA; Scott Donahue – NOAA; John Hunt – FWC

Members not in Attendance: George Garrett - Marathon; Skip Haring - Layton; Alison Higgins – Key West; Steven Blackburn – USEPA

Advisory: Rhonda Haag – Monroe County; Wendy Blondin – AMEC; Gregory Corning – AMEC; Michael Roberts – Monroe County; Nancy Diersing – NOAA; Annie McGreenery – FWC (meeting minutes).

Permitting Team (on the phone): Marissa Krueger – FWC; Maria Bezanilla – USACOE; Trisha Stone – SFWMD; Brandon Howard – NOAA Fisheries.

1. **Introduction and Approval of the July 15, 2014 Meeting Minutes.** Gus Rios called the meeting to order at 9:05 am. **Charlie Causey moved** that the Minutes from the July 15th meeting be approved and **Billy 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. **Public Comments # 1: No comments were made**

3. **Update on USEPA Outreach Grant – Rhonda Haag**

Monroe County had applied for a grant EPA for outreach and became recipients. They submitted this to the October Board of County Commissioners and it was approved. It is a \$75,000 grant of which ½ is going towards canal home owner outreach and the other ½ is going toward our IFIS partner at the county team who will be doing some teacher and student outreach with water quality and water quality testing. The county portion of this was going to be contracted to AMEC to run three different items: (1) Hold three public meetings (upper, middle, & lower keys), discuss the master plan, what homeowners can do on their own canals, review the status of the demonstration projects, get updates and basically get involved in the community on what is going on with the whole program; (2) Create a presentation from these public workshops which can then be put on the webpage so others who did not attend can view them; (3) Provide a web based permitting guidance section where AMEC will be placing information on whom the agencies to be contacted for each of the technologies, the success AMEC has had in using General Permitting, links to the application and other helpful information; (4) Complete a tour at one of the demonstration projects during construction – bring the public out and educate them through the whole process it takes to go through design permitting and construction for the demonstration projects.

4. Local and State Restore Applications – Rhonda Haag

Monroe County local restore has gotten the money. A committee will be getting together 12/10-12/11 to score the proposals. There are two canal proposals from the group; (1) Islamorada; and (2) One from Monroe County that covered everyone. We will know very soon if the Canal program will receive any money. The Monroe County restore application was all inclusive which will include not only the municipalities but also the unincorporated neighborhood areas that may have poor water quality in their canals. We do not know exactly how much this amount will be yet. This is BP restore money, the local pot.

Charlie Causey: Initially there were two avenues for receiving grant money. **Rhonda Haag** further explained that Amendment #1 did pass. Local Government Representatives are going to meet with State Representative Holly Raschein 12/9/14 and will be putting together a water quality restoration package for the County to include canals, storm water, land acquisition – anything that can be used for amendment #1. There will be an overall project to hopefully obtain some of amendment #1 funds. Rhonda also mentioned that there are funds available from the State that she is going to do some research to determine how this could be a benefit to the County regarding water quality.

5. County Demonstration (Demo) Projects and Related Issues – Wendy and Rhonda

a. Geiger Key Culvert Project (DEP Funding Agreement)

Rhonda Haag: Monroe County received a \$100,000 grant from DEP, and they opened the project for bids. The bids came in higher than anticipated. The engineering estimate was \$78,000 to \$109,000 for the construction portion. The lowest bid came in at \$199,000, Topino. The highest bid was \$586,711.60. Rhonda does have an item for the County Commissioners to consider the bids but this means that the county will have to fund about \$121,000, if they select the lowest bid. During the past two years DEP has funded \$200,000 for this culvert project, including the engineering and design work.. If all the bids were rejected and requests to re-bid, there would not be enough time to complete the project. State funds would have to be spent by June 30th 2015, but County funds would not have to be spent by June 2015 but the project must be completed by June 30th, 2015. If the bids were rejected and the project not completed by June 30th 2015, then \$100,000 would be returned to DEP.

Gus Rios: The permits have been issued and the project is ready to go – it is turn-key. But it is important to realize that these are demonstration project and there will be a learning curve with these projects. Permitting and project costs are all new areas to go through.

John Hunt: Was surprised that the bids were so different. The estimate from AMEC, as an engineer, but why there would be such a disparity.

Wendy Blondin: AMEC provided a unit price sheet with some detail. It is one number and it is not enough back up information from the bidders with a breakout to ask the questions to better understand the different bids. Wendy explained how she estimated the culvert project at \$78,000 and then put a multiplier to estimate \$109,000 – looking at material prices and labor rates. This information was not provided in the bidding process. The bids presented will be further analyzed. The reality is that the whole point of working through these demo projects is to get a better understanding of the costs.

Charlie Causey: As we go through this process we will be able to analyze the costs of various projects we will be able to become more accurate in the future estimates.

Billy Causey: Wants everyone to recognize that this is a beginning of a process and this is a pilot program and there will be a learning curve that we are experiencing. He thinks it is critical to move forward. To not move forward with this bid would probably end up costing more funds in time and staff.

George Neugent: We need to stress that this committee supports the lowest bidder (Rhonda please check this statement for accuracy).

John Hunt: Made a motion that this sub-committee encourages Monroe County Commissioners to move forward with the culvert project with the lowest bidder at the best price possible. **Charlie Causey seconded and all approved.**

b. C29 Key Largo Backfill Update, C266 and C-290 Organic Removal Update

Rhonda Haag: These three projects were passed by the Monroe County Board of Commissioners at the last commission meeting. Today 11/21/2014, they are scheduled to be released in the papers today and potential bidders will be emailed. Hopefully we will see a lot of activity on the bid sight and will be moving forward.

Wendy Blondin: Addressed the technical details of the projects. Fill the **C29 Key Largo Backfill project** canal with about 11,000 cubic yards to the -8.7 ft AVD. The most environmentally safe and economical is the transport this fill via land with trucks. AMEC is working with the land owner and they will need a 'special use permit.' Everyone is working together to address the issues so that the schedule is not affected.

AMEC is being very proactive regarding any life forms in the canal. Mike and Maria did specify that they are going to request a consultation from the Protective Resource Division (PRD). This is another step where the consultation is a hold-up for many projects. There is a separate threatened and endangered species act process from the Protective Resource Division would be reviewing the project, but we do not know who would be the person completing the review. The permit can't be issued until this is resolved.

Gus Rios: There is a step that will need to be completed by another entity in the Protective Resource Division. Gus has sent an email requesting a contact to discuss the process for this review.

Rhonda Haag: Reviewed the schedule with the subcommittee and stressed how important it is to move forward with the permits. The Monroe County Board of Commissioners needs to be able to review the bids and approved so that construction can begin late January or early February. That ensures that these demonstration projects can be before the next State of Florida legislation begins. We want to prove to them that we can complete these demonstration projects in a timely fashion.

Maria Bezanilla: When she writes her recommendations that there is verbiage clarifying the time sensitivity and the time limitations. She wants the Protection Resource Division is aware of the time sensitivity.

Rhonda Haag: The Monroe County Administrator will be writing a letter stating that there will be 45 days to complete all permitting and have the bids open.

Maria Bezanilla: Was concerned with critters in the canal that would be spooked or driven out of the canal. She mentioned that a survey would have to be made to ensure an empty canal.

Wendy Blondin: FIU did complete a Benthic Survey in that canal and concluded that there was no threatened and endangered species nor was there habitat in the canal.

Bill Causey: Stressed how degraded these canals are and it is certainly not a habitat that any species except maybe a hardy fish species can be in there. Most of the canals that the subcommittee is dealing with have an extremely degraded environment. It borders on absurd in the eyes of the public to think that we can't move forward to improve these canal conditions. By completing these demonstration projects it will enable threatened and endangered species to habitat in them. He is suggesting getting the permitting team together and develops a field trip to these degraded canals. A one or two day field trip and if travel funding is a problem he will pay the travel cost out of his regional budget.

Rhonda Haag: Wanted to emphasis on critical this schedule is; if we do not have the permits in hand when we open those bids on January 6th, 2015; and these canal demonstration

projects are delayed this could affect our entire request to the amendment #1 for the legislature for many millions of dollars in the restoration program.

Wendy Blondin: AMEC, as far as she knows, have work through all the documentation and technology that is required for the permitting process. She is not aware of anything else that can be completed on their end.

Maria Bezanilla: Wendy (AMEC) has been phenomenal in providing additional requirements. She has been advised that they will have to go through the information consultations so even if this is a beneficial impact on the fisheries. The area, itself, does not provide critical habitat, 1) it is not hospitable habitat, however the area is accessible to other species so because of that we require a consultation. At this point Maria needs to inform PRD the importance of this project and the time restrictions. It is critical to receive the letter from Monroe County Administrator and attach it to the consultation. The letter should include the time constraints and anything else that can be included to indicate how beneficial the projects are. Once she receives this information they PRD will be able to review the project as quickly as they are able to. However, there are no guarantees that the project will come out quickly. Some projects take 6 months to a year and other projects that come out quickly.

Gus Rios: We would like to identify who our contact is in PRD, so we are investigating that currently.

Maria Bezanilla: You do not know who the manager will be until you submit your documents requesting a consultation. I will copy Rachael we I submit the documentation to PRD requesting consultation.

Billy Causey: Since Gus Rios and Commissioner Neugent gave a presentation to the Task Force, they have received tremendous support from all permitting groups. Everyone is working together to make sure the permits are approved in a timely manner.

Wendy Blondin: C266 and C-290 Organic Removal Update: Reviewed the technical details. These two canals have 5 feet of muck. The volume of muck is double what was originally determined. The construction proposed is hydraulic dredging. The technology recommended is to use GEO tubes placed on the empty lots. Both of these canals are on highly developed neighborhoods so room is very limited to store the GEO tubes. One homeowner is willing to allow AMEC to use their undeveloped lot for storage. AMEC is still working on a locale disposal location for permanent storage of the muck removed from the canals.

John Hunt: Think of this muck, as high quality fertilizer great for a garden, except that it contains salt.

Rhonda Haag: Wants the residence to understand that there will be BIO bags on the roadways and on the vacant lots. These will be present for a couple of months until the project is completed.

Gus Rios: The material needs to be contained because it has nutrients and we do not want any runoff. Discuss how the muck could be stored and had discussed with the DEP experts. The material needs to be stored 2 feet above the ground water table and on dry land (uplands). One of the canals had low levels of copper and arsenic that slightly exceeded the soil cleanup target levels (SCTL) for residential disposal, but was within the Industrial/Commercial SCTL – so we may need to take this canal sediment to an industrial/commercial disposal site. .

Maria Bezanilla: Wanted to reiterate that since these projects are also on a time constraints, if Monroe County could provided additional information on the reason for expediency it would be appreciated and she will be able to incorporate into the consultation letter.

c. **All Other Active County Demo Projects**

Wendy Blondin: The other demonstration projects, the culvert on Tropical Bay and the two weed gates (Doctors Arm and?) will be permitted separately. AMEC is grouping technologies.

Those will be following in January and February with final designs, permitting and a request for proposal.

d. **Comp Plan Amendments to Allow Removal of Organic Material Below – 6ft and Temporary Use Ordinance (to allow staging or equipment on residential lots):**

Rhonda Haag: We have already passed our first hearing with the County. We needed a comp plan amendment to remove organic material from the canals below six feet. Since the canals are right about six feet we will be digging down about another five feet. In order to complete these projects we needed a Comp Plan Amendment to do so. We have already passed step one. This is headed in a positive direction. The temporary use ordinance was passed at the November commission meeting. The Comp Plan has to be finalized and permitted before any digging can be completed.

Mayte Santamaria, with County Growth Management, provided an update on the Comp Plan amendment; it has been transmitted to the Department of Economic Opportunity (DEO). We are expecting the report from DEO this month and we will respond to any comments they have, although we did coordinate with them thoroughly so that we may avoid any comments. We are planning in January to be able to schedule it for BOCC adoption. After BOCC approves, it will be sent back to DEO and, after they approve it, they will issue a Notice of Intent and the amendment becomes effective. They have 45 days to review; however, they said they will try to work on this as quickly as possible. The expected schedule is January for BOCC adoption and February for DEO to issue Notice of Intent, approve it and then it goes into effect.

The County is also processing a temporary use ordinance for the staging the storage of construction material as well as other material such as waste water and storm water. It is going to the BOCC this month for a chapter 6, which is a general book of ordinances. We hope to have that adopted this month. Then we have a land development code that mirrors this chapter and it is hoped that it will be approved in January.

e. **Canal Pumping Demo Update**

Rhonda Haag: We have some issues on the Canal Pumping Demo project.

Wendy Blondin: We did not have a clear definition from the Federal Fish and Wildlife of whether we could be moving forward or not. Basically if we do not have access to land we will not be able to move forward with the designs. Had a meeting on September 10th, 2014 with Nancy Finley) regarding obtaining approval for using refuge lands. We discussed two alternatives: A) Pumping water into Eden Pines end canals and discharging it into the wet lands which are owned by the Fish and Wildlife and the refuge; B) Placing a pump intake only, south of Watson Blvd, there are culverts that connect up into the slew. Put an intake pipe south of the culvert and stay outside the slew area and then pump clean bay water into the finger ends of the canals.

The response at our meeting with Nancy: Alternative A was considered very unlikely to get approval. She felt that we need to provide more data and information to show that the proposed discharge will not have negative impacts on adjacent wetlands and natural resources and on the hydrology of the affected area. The adjacent Refuge wetlands are already under an existing restoration and they felt they wanted to continue monitoring the restoration and did not want any impacts. Alternative B appears to be more feasible, but Nancy was not sure if that could be approved fairly quickly or not and she requested to have further discussions with her staff. An email was sent to AMEC in October stating that Alternative B may be feasible. However, there are things that would have to be done to move that project forward.

Right of access could be granted, that would be the mechanism of allowing use of that land for the intake pipe. It would be permitted under a special use permit. AMEC would need to assist her with completing a compatibility assessment and additional design information. This is only a preliminary conceptual design. We could not move forward with the design until we had property access. Nancy wanted additional information such as flow rates, pump sizes, and pipe diameters.

Rhonda Haag: Concerned that we have been working with this demonstration project for over a year and there are still a lot of things that have to be completed. She is just not sure that we have the time to complete this project. Rhonda and Wendy explained the difference between the two alternatives with the Subcommittee. Alternative B still needs a formal Right of Access and negotiations with Fish and Wildlife service. There is a need to document the benefits of the overall project to the environment. The time to develop the project would be several months 6 to 8 months minimal. Alternative B is more complicated but it is still on the table as an option. More money will be required for amount of additional work required. AMEC and the County do not have the homeowner approvals for pumps, electrical requirements, perhaps solar panels and as a homeowner community someone would have to work on these approvals. And all the permitting process will be required. This project is way behind. Alternative B would be designed to meet a 4 day circulation requirement. It is definitely the most complicated design.

6. Review of the estimated costs and design concerns:

The group discussed the budget of \$5 million vs. the costs of each demonstration project. Some members of the subcommittee voiced concerns regarding what the engineering and design report estimated as a potential cost vs. what the first bids came in on the culvert project. Some members thought it might be beneficial to have a budget vs. engineer estimates vs. actual accepted bid estimates for each demonstration project to document the differences and anticipate future costs. Overall the subcommittee finally agreed to move forward, wait and see how the future bids on the muck removal are presented before further discussions on the budget/engineer estimate/actual bids are represented. Perhaps future discussions may be to rethink how the subcommittee is going to deal with these projects.

7. Public Comment regarding Eden Pines

- a. **Fred Haeberer:** Retired civil servant, he has been following the Eden Pines canal restoration project since January 2013. He is very encouraged that there is an outreach program in place. He would really like to see the outreach program implemented with the communities so we can stay in tune and be apprised into what is going on in terms of canal. He feels that the pumping project at Eden Pines probably the best method of cleaning up this canal. He is encouraged that there is active communication between the engineers and Federal Fish and Wildlife. He to encourage the subcommittee to continue working with the Federal Fish and Wildlife and push the pumping project for all of its might because he believes this will be very beneficial for the Eden Pines canals. He is very discouraged to hear the possibility of dropping this project for a pumping project in Key Largo. Please stay with Eden Pines and do the best that you can.
- b. **Thomas Samartino:** He echo's everything that Fred Haeberer said and fully agrees. The neighbors will give you all the support we can. One question: what is the vision and maintenance for the pumping project once the demonstration project is complete. He feels it would be beneficial to define a post-project ownership maintenance scenario which is very specific. There is no entity to give the project to, perhaps the county owns and maintains the equipment and then allocates the cost to each land owner.
- c. **Mark Knez:** I am from Eden Pines also. I support the project to clean up those badly polluted canals. I was with the Federal government with USDA for over thirty years and was at a Senior Management level. He was concerned about estimated dates and completing deadlines before

- the end of the year. Question: Who is ultimately responsible for the water quality in those canals? **Gus Rios:** Tried to answer the question. The canals are classified as waters of the State of Florida. The canals that are open have a minimum water quality standards. Currently the canals do not meet some of the standards. The State does have jurisdiction in the water quality. In a canal were you are having an aggregate ownership but the pollution may be coming from different sources, it becomes more complicated. Everyone on the canal is responsible as well as the local governments and the State to ensure that the water quality is met. The County along with the big land owners in the keys, including transportation in the Keys, the State, the Navy – so Federal, Local, and State agencies are required to comply with the Florida Keys Reasonable Assurance Document (FKRAD) which contains the management actions that need to be completed to reduce pollutant loading and to achieve compliance with the water quality standards. One of the most important water quality goals is to increase the dissolved oxygen in the canals which is right now depressed because of all the decaying seaweed and the lack of circulation. So there are different layers of government jurisdiction, but the homeowners are responsible for contributing to improve the water quality
- d. **Mike Maurer:** I agree with everyone on pumping out of the canals to improve the water quality. We know that alternative A is off the table, but alternative B is still on the table. Where do we go if B is taken of the table? Are there any plans for something else? **Rhonda Haag:** You are one of the worst canals on the county, so even if we remove the pumping alternative as a demonstration project, Eden Pines would certainly be at the top of the list when additional funding comes in. This could be as soon as December when the restore act committee meets to decide who get what of the funding. So maybe we want to table this discussion until we know what the bids are going to be after January 6th.
- e. **Bob Mullennix:** I too live in Eden Pines. I was pleased to hear the Eden Pines is one of the worst canal systems. I live one mile from the outlet of the canal. I can see fish in the canal, seen through the green murkiness. What a feather in the cap this would be for this subcommittee to be able to take a canal system, like Eden Pines, and show that it can be cleaned up. If that can be shown to be technically feasible, I have to believe that this would open the flood gates to all the rest of the canal systems. He is retired but worked as an engineer at a private company. He had talked to Henry Briceno and requested a feasibility study on the water quality but still had not seen any study. The final comment is that he has been involved in the bidding process and has found that when you get a wide range of bids it usually means that the bid package is not very tight. As a contractor, if the bid package is vague in some areas, the bidder will cover themselves in order to address eventuality that might occur. He encourages the subcommittee to double their efforts in the bid packages.

8. Update on Islamorada Village of Islands Demonstration Projects – Wendy and Susan

Wendy Blondin: Presented the overall design of the Treasure Harbor demonstration project, what was completed and its success. She also reviewed some of the other demonstration projects they are currently working on. Vertex is supplying the maintenance and the Village will pay for the first 2 years and then after that the homeowners will pay for the maintenance. Total cost for the system and maintenance is \$46,382.20.

Susan Sprunt: Requested to attach the article printed in “The Reporter” on 11/7/14 to the meeting minutes – see attachment. The Village of Islamorada pulled the permit for the installation. Part of the process through this demonstration process was to create documentation and show the process of this being installed but to also create positive feedback throughout the county but also through other homeowner association not only in Islamorada but everywhere to start to keep the ball rolling in other areas in the community and Monroe County as a whole. We went out for bid for three videographers and wanted to be sure we had the underwater documentation installation as well. We are progressing with more interviews and then the final product will be a 3-5 minute video.

9. Permitting Issues – Wendy and Permitting Team Members (Discussed earlier during the County Demo projects discussion – agenda item 5)

10. Conch Records proposal – Cliff Rydell

Cliff Rydell discussed his proposal to document The Monroe County, Florida Canal Restoration Demonstration Projects. He reviewed his handout with introduction of the Conch Records; about the Project, and his proposal. The cost for his proposal for two videos (1) “Start of The Monroe County BOCC Canal Restoration Project” and (2) “The Monroe County BOCC Canal Restoration Project – Recap of First Field Study” will be \$4,950.00. This will be two 3 minute videos. I will be using underwater cameras and go pros.

Susan Sprunt: Islamorada video is a 3 – 5 minute time frame, it will be interviewing the key players, interview the homeowners, and interview the engineers. The videographers used Go Pro cameras even down in the water, attaching to the divers and the equipment. The cost was right around \$5,000.00. He also used a drone to take videos doing a lot of aerial pictures.

Rhonda Haag: Would like to look at other bids from other companies before a final decision is made.

John Hunt: Made a motion to create a couple of 3 to 5 minute videos that document the canal restoration process. This motion is to encourage Monroe County to hire a company to create these videos. The culvert project is breaking ground January 2015, so finding a videographer now is very important. **Charlie Causey seconded.** All agreed.

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

The next meeting has not been scheduled, but we proposed January 16, 2015 as a tentative date for our next meeting.

Meeting adjourns at 12:30 pm.