

Minutes

**Agricultural & Natural Resources Advisory Committee
Thursday, November 10, 2011, at 9:00 am
Charlotte County Administrative Center
18500 Murdock Circle, Room #B-106
Port Charlotte, FL 33948-1094**

MEMBERS PRESENT

Mike Jones, Chairman
Andy Dodd, Vice Chairman
Chris Hencher
Wes Brumback
Matthew Sullivan, Jr.
Fred Walters, Secretary

MEMBERS EXCUSED

Dan Ryals

MEMBERS ABSENT

Orrin Webb

GUEST

Eric DeHaven

STAFF

Matt Trepal, Staff Liaison
Gayle Moore, Recording Secretary

CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **November 10, 2011**, meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:04 a.m. by ***Chairman Jones*** who noted that there was a quorum present.

ADDITIONS/DELETIONS TO AGENDA

None were requested; Chairman Jones mentioned that he would be adding some news regarding the nominating committee issue at the end of the published agenda.

APPROVAL OF MINUTES

Mr. Dodd moved approval of the minutes of the May 12, 2011 meeting, second by ***Mr. Sullivan***. The motion carried with a unanimous vote.

COMMISSIONER COMMENTS

Commissioner Duffy mentioned that the Board is working on reviewing all rules and regulations for Charlotte County, to determine if they are relevant, reasonable or redundant. She stated that the current focus was on the Building Division, but they intend to address all county rules as they come up. ***Commissioner Duffy*** also mentioned that she has had correspondence and meetings with Lt. Governor Carroll, where they discussed local citizens' good ideas regarding the purchase of right-of-way and alternative approaches

to retention ponds (she has concerns about the fences that the County requires which others like SWFWMD don't require.) The question also came up why we buy land for ponds in places (e.g., on Burnt Store Rd.) where there are state lands adjacent that could be used; she took this question to the Lt. Governor who expressed approval for that idea. There are existing ponds that could be used where there is currently no water quality management being done; if used as retention ponds, the water quality could be improved. Again, there was agreement from the Lt. Governor, and the Secretary of a division which oversees all the water management districts followed up with approval in a phone call. These are examples of good progress in the mission to get rid of ridiculous and redundant rules and regulations, and the Commissioner welcomed suggestions to add to her list.

Commissioner Duffy next mentioned was related to mining, She noted that one of the commissioners is really pushing to increase fees to make mining 'self-sufficient'. **Mr. Brumback** asked if that wasn't that already accomplished in the last code update, and **Commissioner Duffy** said that it was, but that her fellow commissioner wants fees to go still higher. **Mr. Brumback** asked if those already-increased fees weren't supposed to cover everything, and **Commissioner Duffy** said that yes, that was the intention, but they don't cover all costs. **Mr. Sullivan** asked if proposed changes would be on existing mines or moving forward, and the Commissioner indicated it would be new mines only, and would be a modification to existing regulations, not an entirely new code. The Commissioner stated that if it costs the County that much money, then maybe we have too much regulations and too many inspections.

Mr. DeHaven asked if there would be exemptions for the FARMS programs, since a reservoir is not actually a mine. **Commissioner Duffy** said she had raised that issue, but that a further discussion ensued around the issue that if the dirt leaves the site, it's being sold. **Mr. Sullivan** noted that his operation is going through that process right now; shell can be used, but not dirt and no one is buying it. **Commissioner Duffy** asked what they are doing, and the answer was that the dirt is being stored until it can be moved. Further discussion ensued on possibilities for storing the excavated material, the usefulness to counties as a resource. **Commissioner Duffy** said that she would be getting in touch with ANRAC members when this matter comes back up for decision.

Mr. Sullivan offered his congratulations on the Cheney Bros. distribution center coming to the County. There was discussion regarding the job creation possibilities that would flow out of this organization locating in the County, and that the operation may go to the old FEMA site behind the jail, close to the interstate and the airport.

Mr. Brumback returned to the subject of mining, noting that there was no differentiation between farms projects and mining, offering his opinion that there should be some recognition of the difference. **Chairman Jones** mentioned the addition of Category 4 to the code, but noted it doesn't entirely address the issue of what can be done with the excavated material. He conjectured that having the county stockpile the excavated material might be a solution; **Mr. Brumback** thought that having County staff drive across the county to get dirt would be too expensive, and stated that he was fearful there will be a direction from county to make the pile of stored material disappear. Commissioner Duffy stated that there was a need to fix the ordinance to allow storage, and **Chairman Jones** noted that this is unique to AG properties, that don't have the same issues as more developed areas.

Mr. Dodd asked **Mr. Trepal** if he had any information regarding the progress of the County's redraft of the excavation ordinance, and when the Committee could review the language. **Mr. Trepal** said the overall Land Development Regulation work is ongoing, but that the excavation language in particular was the responsibility of Inga Williams; he said he would pass along today's comments to her. **Mr. Dodd** said he had heard about some of the revision progress and that it appeared to be beneficial to earthmovers.

NEW BUSINESS

Mr. Eric DeHaven made a presentation accompanied by a handout, and indicated he would speak on water quality issues in the Shell, Prairie and Joshua Creek watersheds and the Reasonable Assurance Plan update; FARMS program update; and brief comments about the water management district.

Mr. DeHaven gave a brief overview of the history, focusing in particular on the significant water quality issues, especially with City of Punta Gorda, with regard to mineralized water. Both the City and DEP were very concerned about the issue and the Water District got involved, eventually determining that agricultural groundwater pumping of mineralized water that was running off and getting into area surface water, making its way into the City's reservoir. Making reference to the charts in the handout, it was noted that activities increasing the issue of conductivity were worse in times of drought.

As the issue progressed, a metric called Total Maximum Daily Loads was being developed at DEP, which carries over into the numeric nutrient criteria issue – but the issue he is discussing is not about nutrients, it is mineralization. Referring to a further chart in the graphic presentation, **Mr. DeHaven** noted that DEP rated as impaired a Class 1 drinking water-feeding waterbody; this created stakeholder concern and resulted in creation of the Reasonable Assurance Plan, which was approved by the County Commission. This, in turn, allowed DEP to indicate that the impaired water was being dealt with by the local stakeholders.

Mr. DeHaven then reviewed the SPJC statistics chart, discussing the identification of problematic wells and working with owners.

Although the timeline estimated the issues would be solved by 2014, that no longer looks like it will be met; an extension will be requested and, based on the progress to date, is expected to be granted.

Next discussed were three of the management actions intended to address the impaired water quality:

- Well back-plugging, which has proven very effective because it reduces the poor water quality coming from the well (the graphic showed levels of reduction.)
- FARMS projects results in reducing ground water use
- QWIP results from plugging wells completely.

The final graphic showed overall results, which were essentially good with the exception of Shell Creek where less impact had been seen for total dissolved solids; new projects are coming online in that area to address this. The South Florida Water Management District is also involved, since some water from AG properties in their drainage area is implicated here; some back-plugging may be implemented in their district, paid for by their budget.

Mr. DeHaven then summarized his presentation indicating that he could be available to give an in-depth presentation if any group would like it.

Commissioner Duffy asked some follow-up technical questions, and further discussion ensued on these matters, covering well-depth, cross-connection of aquifers, and the fact that the District recognized their portion of responsibility for the situation. There was also some elaboration on the subject of ground water vs. surface water usage. There is a cost trade-off in the different requirements of the two types of usage; some growers say they would prefer surface water. **Mr. Brumback** stated that the quality of production has gone up due to use of surface water; the only problem he mentioned was that the District counts surface water and ground water usage the same way against the permit. **Mr. DeHaven** indicated he agreed to some extent, noting that the key issue is the overall limited supply of water, which means that surface water usage has impacts like anything else. Further discussion ensued, particularly on the issue of flexibility in regulations.

Mr. Dodd raised the issue of action or changes as permits come up renewals, particularly as it concerns seepage (the filling of ditches to bring up the water table, considered a very inefficient approach.) **Mr. Dodd** continued, commenting on permit levels that drive reporting regardless of actual use (e.g. reduced usage based on microjet technology) – he felt that the usage levels were set such that continued reporting was required.

Chairman Jones posed the question, whether it would be accurate to say, given the current economy, that the District is more open to looking at innovative solutions? Is the District now more open to working with the regulated community on solutions that don't always fit the regulatory profile? **Mr. DeHaven** responded affirmatively, noting that specific staff is now available to work with regulated users to get at these types of ideas. The new regulatory director, Alva Moss is looking at inconsistencies among the districts, and there is recognition that these sorts of changes are necessary.

Chairman Jones then raised the issue of funding, in particular asking what the overall impact of cutbacks has been. **Mr. DeHaven** responded with a brief discussion of the Water Management District budget which is 44% less this year and going on a slow reduction curve from a high of about \$300 million down to \$105 million, a figure that represents the legislature's hard target. This year the district is at \$150 million, and it will continue to drop; reserves are being used from the high collections in boom years and originally intended for next round of projects such as reservoirs or desalinization plants. These projects are not now still contemplated, because of the issues with the economy. For the short term, FARMS and cooperative programs will be well funded, though over the long-term they may be coming down; but those will be priorities: FARMS, SWIM, and the Cooperative Funding program. Because the operational costs consume much of the budget, they are laying off 150 staff members by Feb. 1st; then there will be a reassessment and another round of layoffs this summer/fall. He did specify that the Punta Gorda reverse osmosis project will not go forward; those dollars will go into FARMS instead.

Chairman Jones asked what might change if the economy turns around, and you have these legislative caps in place; won't it be tough to shift gears responsively. **Mr. DeHaven** responded that the legislature has recognized that the hard-cap approach does not allow for a switch in the economic prospects, and is reconsidering how this might be structured to be more responsive. **Chairman Jones** commented on possible impacts to Charlotte County (using the Cheney Brothers project as an example), and the need for innovative solutions so that we don't hit a brick wall because of limitations to the District and their budget. **Mr. DeHaven** mentioned that there was always the possibility of line-item funding direct from the legislature for such important projects. **Commissioner Duffy** said that her worry was more related to permitting times; **Mr. DeHaven** responded that the District is already trying to improve that process, recognizing where there are silly things being permitted and that they don't need to have technical personnel reviewing some of this stuff.

Mr. Brumback commented on NRCS and funding for the farm bill; he asked if there had been any discussion about money for excavations, because if there's no money for it, there are few who can actually come up with a half-million dollars to dig the 20-acre hole. **Mr. DeHaven** responded that it is not really being considered; money is definitely an issue. Further discussion ensued on the topic.

Mr. Sullivan requested to return to the issue of the Punta Gorda reservoir, specifically the comment they are interested in maintaining the flow; if operational efficiencies meant that the farms had 'zero exit' then they would be against that. **Mr. DeHaven** responded with reference to the District's 'minimum flows and levels' program and noted that there is excess water in the Shell and Prairie creeks and the lower Peace River, so this is taken into account. He also noted that whenever withdrawals right off creeks is proposed, it is always opposed by the City as they recognize it as a reduction in flow, yet they don't recognize retention as offering the same cut-back. They are focused on water quality. **Mr. Sullivan** commented that once water quality is no longer a concern, they would welcome that flow. **Mr. DeHaven** noted the long time required to flush the soils.

Mr. Dodd inquired how Shell and Prairie Creeks look on nutrient levels; **Mr. DeHaven** responded that he did not have details on that but had been informed that there was no nutrient impairment currently listed on these but there may be on Joshua Creek. Further discussion on technical issues ensued.

Commissioner Duffy commented that the County had applied for a permit with SFWMD for Babcock Ranch, and are very close to having it; she noted this was felt to be important in order to have a secondary water source, despite expense of pipes going down Belmont Rd.

Chairman Jones offered the group's thanks to Mr. DeHaven for the informative presentation; Mr. DeHaven left the meeting at 9:55 a.m.

New Clean Water Act Wetland Determination Guidance (2011 EPA/Corps)

Chairman Jones noted that new guidance is needed from the Corps under the new Clean Water Act, as individual offices are not consistent in their interpretations. Federal officials are "on a rampage" currently, especially with regard to new landmark Supreme Court decisions on wetlands, specifically with regard to Swank and Rapanos. New internal guidance will use Justice Scalia's minority opinion language; no one clearly knows the impact, but **Chairman Jones** indicated he anticipates more land grabbing and more difficulty getting new permits. Further discussion ensued on this topic.

Open Forum: Future of agriculture in Charlotte County

Chairman Jones stated the group needs to move toward understanding better what the future of agriculture is in the County. He specifically referenced the way in which the economic situation interacts with this attempt at forecasting: Limitations on acreage under cultivation, impact in optional crops being considered. He asked for comments from the group.

Mr. Hamel commented that his group was simply trying to protect their water supply going forward. Also with regard to sidelined acreage on hold, people waiting to see where the economy is going and whether there should be a change in crops. Five years ago, there was not so much optimism among citrus people, but with current improvements in disease management and a somewhat stronger market, things seem better.

Mr. Sullivan noted that trees are hard to come by and that growers are replacing attrition losses, but not much new planting; he stated he has no interest in anything but citrus, that's his background. He and Mr. Waters noted that while maintaining the groves is expensive, the prices for juice justified it. Further discussion ensued on the market prospects for citrus. **Commissioner Duffy** commented on the Brazilian contingent of citrus growers that visited the County recently and favorably compared conditions here with those in their own country. She also expressed curiosity as to whether AG owners are looking for other things to do, considering the disease issues and restrictions on what can be done with the land. She also commented that she felt urban sprawl wasn't an issue, but she wasn't excited about another redneck yacht club in the area. She solicited comments on whether the members felt that the County was unreasonably restricting their land use options. **Mr. Waters** responded that there are two classes of landowners in that area -- real farmers and then speculators; it is the speculators who are trapped. There are lots of acres in speculation, where the groves are abandoned; it might not be suitable to go back to groves but it could be a farm. He said it wasn't so much they were restricted in what they could do, they just don't have the money to do anything. This is off of Washington Loop, where it turns back south, between Prairie Creek Estates and Prairie Creek Park.

Commissioner Duffy asked if other things can be grown out there; Mr. Waters responded that melons or row crops work, and further discussion on potential for the land ensued.

Mr. Dodd then raised the question he had posed to Mr. DeHaven on nutrients, saying that we need to defend users in Charlotte County who may not be the source of the impairment to water bodies; he feels people outside the AG area aren't admitting that their septic systems are the greater burden on the water quality. **Chairman Jones** noted that this was a good issue to stay abreast of and he provided some more technical viewpoint on the matter. Suggesting that it may be beneficial to make a presentation to the Board on this subject. **Commissioner Duffy** agreed, offering comments on recent discussions concerning the sources of water quality problems: Phosphate, development. She also mentioned the occasional closure of the Beach Complex due to fecal material, which can't be AG-generated, but must be septic. She offered to set up a workshop to get this Committee's information direct to Board. **Chairman Jones** suggested that members start thinking about a list of critical issues to present to Board, and have their suggestions ready for the January meeting.

OLD BUSINESS

EPA/DEP Numeric Standards and Statewide Stormwater Rule Update (Vinyard November 2 Announcement)

Chairman Jones noted the ongoing tracking of this issue, most recently that DEP will take this back in hand and EPA has agreed in principle; it is still uncertain whether this will go back to the courts. Hopefully everyone will be satisfied with DEP's progress. Nutrient standards will not go away, but will be done by DEP instead of EPA. There will be more to come on this.

Cooperative Conservation Blueprint (CCB) and CLIP update

The Chair asked for an update on this subject and **Mr. Dodd** spoke regarding the recent meeting. As a reminder, this is FWC's approach to implementing their state-wide wildlife plan which is focused on creating incentives that might encourage landowners to have the corridors placed on their lands. The group he attends did the area from Babcock to the Peace River, and they decided there would be three priority corridors. Naturally, without

money, nothing will happen; so the question becomes, what other options are out there to encourage participation? Primarily, convincing the Federal government to prioritize projects in those area to continue to improve the properties for conservation value. **Mr. Dodd** also noted that there is no funding for this group past the end of the year.

CORRESPONDENCE AND COMMUNICATIONS

The Chairman made reference to the handout from the current website on legislative activity.

PUBLIC COMMENTS

None

STAFF COMMENTS

None

MEMBER COMMENTS

- ❖ **Mr. Brumback** reported that he had just asked Assistant County Attorney Derek Rooney about stockpiling and had learned that there is now a stockpiling permit which can be obtained from Joanne Vernon of the Engineering Division of the Community Development Department.
- ❖ **Mr. Sullivan** thanked Commissioner Duffy for taking such an active role with the Committee and the Chair joined in with comments of appreciation for her efforts.
- ❖ **Chairman Jones** then offered information on the nominating committee topic; there are issues because neither the Chair nor the Vice-Chair can be part of it. He suggested the Committee continue as they are at present, and address the matter at the January meeting. He reminded the members that they also need that commodity member seat filled. **Commissioner Duffy** suggested adding an engineering member such as Todd Rebol or Gary Baynes; the Chair noted that is filled at this point, and said that he would send her a list of everyone's affiliation.

NEXT MEETING

- ❖ *January 12, 2012 at 9:00 a.m. in Room B-207*

ADJOURNMENT

The meeting was adjourned at 10:03 a.m. as moved by **Mr. Sullivan** and seconded by **Mr. Hencher**.

**Approved by the Committee on:
January 12, 2012**