

## **Citizens Environmental Advisory Committee Meeting Minutes – June 1, 2009**

### **Members in attendance**

Daniel Alberdi, Jeremy Burris, Hallie Calig, Deborah Cope, Roy Davis, Wayne Echelberger, Ph.D., Harold Falls, Joy Ingram, David Jellerson, Vicki Kenyon, Kim Koleos, Dale Meryman, Ph.D., Cam Oberting, George Parker, Jr.

### **Members absent**

Ann Hodgson, Ph.D., Melanie Higgins, Sharon Terrill-Elfers

### **Guests**

Janet Dougherty, J.D. Kovach & Assoc.; Brandt Henningsen, SWIM-SWFWMD

### **EPC Staff in attendance**

Tom Ash, General Mgr., ERM; Jerry Campbell, Air Division Director; Reggie Sanford, General Mgr., Air Division; Mike Thompson, General Mgr., Wetlands Division; Leslie Rogoff, Legal Intern; Elizabeth Hernandez, ERM Intern; Jeannette Figari, CEAC Liaison. Richard Tschantz, General Counsel arrived late.

### **I. Regular Business**

The meeting was called to order at 3:00 p.m.

#### **a) Public Comment**

The CEAC Liaison introduced Leslie Rogoff, legal intern, and Elizabeth Hernandez, ERM intern to the Committee. The interns were invited to provide some background information about themselves.

Janet Dougherty distributed copies of a letter from an individual CEAC member to Governor Crist which she had acquired through a public records request. The letter referenced an action taken by the Committee regarding the current Legislative Session. She expressed her concern regarding individual CEAC members representing themselves as Committee members and issuing commentary on matters that have come before the Committee for a vote. She opined that a committee should have one unified voice and if everyone is allowed issue statements as committee members it tends to dilute the message. Ms. Dougherty indicated that SWFWMD developed a policy to address this issue when they were confronted with a similar situation and suggested that CEAC should consider adopting such a policy.

A discussion ensued and a motion was made to ask the EPC Legal staff for guidelines that would address the drafting of a letter and/or to provide a model letter and to look into the constitutionality of adopting such a policy. No one from the Legal Department was available to address the issue at the time; however, the Chairman indicated that Rick Tschantz, EPC General Counsel, would be available later in the meeting and they could continue the discussion at that time. The Committee agreed to table the motion and discussion until Mr. Tschantz arrived.

Chairman Jellerson also informed the Committee that the Regular Business Review/Preview portion of the meeting would also be taken up after Mr. Tschantz' arrival.

#### **b) Approval of May 4, 2009 Minutes**

A motion was made to approve the May 4, 2009 minutes. The motion passed unanimously.

## **II. Items for Discussion, Action or Presentation**

### **a) Update on previously approved PRF projects**

Tom Ash provided an update on the 2009 PRF project cycle. He informed the members that 10 applications were submitted for this cycle and that the applications were available on line for them to review. There is currently \$309,924.00 available for allocation and the total requested funding amounts to \$647,499.00. Mr. Ash reviewed the PRF cycle flowchart for the new members and encouraged them to use the month of June to review the projects which have all been posted online.

Brandt Henningsen, Ph.D, Senior Environmental Scientist, SWFWMD SWIM Program, utilized a power point presentation to illustrate the components of successful coastal ecosystem restoration projects and to provide the Committee with some guidelines to evaluate restoration projects that they may review in the future. Topics that were addressed during the presentation included ecosystem degradation and destruction, habitat mosaics, approaches to ecosystem restoration, restoration strategies, and design and planning considerations. Examples of successful, failed and mixed success projects were provided. Mr. Henningsen responded to questions raised by the Committee members.

### **b) Mangrove Trimming Delegation Update**

Michael Thompson, General Manager Wetlands Division, gave an informational update regarding the Mangrove Trimming delegation. He spoke briefly on the benefits of mangroves and Chapter 1-14, the Mangrove Trimming and Preservation Rule. Mr. Thompson provided statistical information regarding approved exemptions, trimming and alteration permits, violations transferred to enforcement, penalties collected for PRF and costs that have been collected. He explained the corrective actions that are required, replanting and 5 years monitoring, and answered questions that were raised by Committee members.

### **c) New Ozone Standard Discussion**

Due to time constraints, the Air Division staff requested that the discussion of the new ozone standard be postponed to a later date. After determining that the information to be discussed was not time sensitive, the Committee agreed to postpone the discussion.

At this time, Rick Tschantz, General Counsel arrived and the Committee commenced the regular business review/preview portion of the meeting.

#### **Review – May 21, 2009 Board Meeting**

- The EPC Board recognized the winners of the Clean Air photo contest.
- Staff provided the Board with an update on the proposed EPC Budget.
- Staff submitted a report to the Board regarding the Model Fertilizer Ordinance and the pending State legislation that would mandate every county to adopt a model ordinance. Since the Governor has not signed the proposed legislation, any further action on this issue was placed on hold.
- Waste Management staff discussed the status of the superfund sites.
- Wetlands Management staff presented the quarterly update on the Hybrid Plan.
- Rick Tschantz provided a final report on the Legislative Session.

#### **Preview – June 18, 2009 Board Meeting**

- Dr. Garrity will present another budget item to the Board that will address the actual cuts proposed.
- The ERM Division will provide an update on the Desalination Plant monitoring results.

- The ERM Division will provide an update on the Nitrogen Management Consortium.

At the conclusion of the EPC meeting Review/Preview, the Committee revisited the policy discussion from the beginning of the meeting.

The Committee resumed discussion of the issue. Rick Tschantz indicated that the guidance document for the Committee is the Bylaws. He stated that the issue appears to be one of self-policing and the Committee could consider an amendment to the Bylaws to address this issue. In response to Dr. Echelberger's request for the Legal staff to provide a generic letter for individual CEAC members to use as a template, Mr. Tschantz indicated that he was not comfortable with providing such a letter and felt that it was not an appropriate level of staff involvement in CEAC's conduct of business.

The Chairman restated the motion requesting the EPC Legal staff prepare an evaluation of options for addressing individual communications by CEAC members on an issue voted on by the Committee. The motion passed with unanimous support. In response to a concern raised about Constitutional issues, Mr. Tschantz indicated that the Constitutionality of a proposed amendment to the Bylaws would be part of the evaluation.

### **Tom Koulianos Conservation Efficiency Award**

Tom Ash, ERM Division, provided a brief historical account on the establishment of the Tom Koulianos Conservation Efficiency Award. Mr. Ash reviewed the evaluation criteria and nominating procedures that had been forwarded to each member prior to the meeting.

It was intended that this award be given annually and that CEAC be responsible for reviewing the applications and making a recommendation to the Board on which individual or entity they believe to be most deserving. CEAC members are charged with the administration of the award. Some of the issues for CEAC's consideration and discussion would include whether or not to utilize a ranking system and if so what would that be, should there be any exclusions as to the eligible recipients, and what type of award should be presented – a plaque, a certificate or both.

Discussion ensued and questions were raised about the criteria and purpose of the award. Several members commented upon the impending budget and staff cuts and the appropriateness of implementing a new award at the present time. Some members felt this action may be viewed unfavorably by the public especially when funding for so many other services and programs is being reduced. A motion was made to have the Chairman ask the Board to postpone the implementation of this award until a more appropriate time. Miss Kenyon requested that the motion include an estimate of the cost to implement the award including the material costs and the staff time involved. The motion was seconded and passed unanimously.

### **Other Business**

Dale Meryman, CEAC's representative on the Water Conservation Technical Advisory Committee, gave a summary of that Committee's May 2009 meeting. He distributed a written summary of the meeting to all members.

### **Agenda Items for July 13, 2009 CEAC Meeting**

The first group of 2009 PFR project presentations are scheduled for the July meeting. No other items were added to the agenda at this time.

A motion was made to adjourn. The motion passed and the meeting was adjourned at 5:33 p.m.