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**11-19-21 Wakulla Springs Alliance Meeting Minutes**

**Zoom Meeting Recording:**

[**https://fsu.zoom.us/rec/share/lV0D2DTcKcK92XtLg-3Y2iRUDFhM4WrLIxnlDw3\_wNVp8EgsDudFtU42nssxrUih.IaL\_DFDt9YmMInDQ**](https://fsu.zoom.us/rec/share/lV0D2DTcKcK92XtLg-3Y2iRUDFhM4WrLIxnlDw3_wNVp8EgsDudFtU42nssxrUih.IaL_DFDt9YmMInDQ)

**Opening**

* Welcome and introductions - Bob Deyle, See Appendix B, participation list
* Agenda review - Bob Deyle, See Appendix A

**October 2021 minutes** - Tom Taylor, Approved unanimously

**October 2021 financial report** - Jim Davis, See Appendix C, Approved unanimously

**Trends from quarterly submerged aquatic vegetation survey -** Bob Deyle

* See most of the presentation using the Zoom Recording link above.
* The % of plant coverage of the river bottom declined significantly between 2013 and 2020.
* There are apparent negative trends of algae and hydrilla coverage but they are not statistically significant.
* Spring tape gras (Sagittaria Kurziana) does exhibit a significant positive trend.
* C – Cal Jamison reported observing more growth and still a lot of bare areas.
* Manatees ate a lot of vegetation that resulted in scouring. There is evidence that it is coming back.
* There seems to be a link between reductions in hydrilla and increases in spring tape grasses.
* Health can be measured in the mass of the good vegetation.
* There is some hydrilla where the manatees can reach it.
* There is no movement on replanting. We are still talking with FWC to set up and monitor pilot sites.
* The quality of vegetation is a key measure for the BMAP.

**Update on hazardous algal bloom harvesting pilot project** – Carlos Herd, Northwest Florida Water Management District

* Lake Munson did not have an algal bloom so the contractors moved the equipment to a lake in Apalachee Regional Park and it is functioning.
* The technology is working well.
* The Governor released the 2022 budget with a lot of springs funding; around $22 million for the Northwest District. All projects proposed in 2021 were funded.
* We should be proposing projects for the next cycle.

**Legislative update** – Ryan Smart

* Bills have to be filed by Dec. 1
* Jan 11 to Mar 11 Session.
* This is an election year
* SB 832, the blue green algae bill, was watered down last year and has been refiled. The Blue-Green Algae Task Force is staffed by DEP.
* SB 904 Climate resiliency added to BMPs and adds administrative enforcement fines.
* SB 198 deals with wetlands and may be applied to sea grasses. There may be some replanting.
* SB 834 deals with algae cleanup.
* Bottled water excise tax is proposed with money going to septic to sewer conversion.
* 6003 addresses mining.
* There is a bill to restore the Ocklawaha River
* Another bill will address outstanding Florida springs.
* There is a request for $400,000 for Fred George Wetlands regrading plus $400,000 matching local funds.
* Significant funds are proposed for Everglades and springs.
* No funds are proposed for FL Forever.

**Florida Springs Council appeal re ALJ BMAP challenge decision** - Ryan Smart

* While the Wakulla Spring BMAP is not directly covered by this suit, it could benefit.
* WSA has seen first-hand some of the pitfalls with agricultural BMPs.
* WSA raised the issues of not accounting for future growth and lack of enforceable assignments of load reductions in our critiques of the Wakulla BMAP.
* SB 552 created BMAPs. FSC challenged several BMAPS, not WS and the ALJ ruling was not favorable. We are appealing.
* There is an assumption that there will be no increases in nutrient loading and other estimates are not realistic. We know that agriculture and livestock loads will increase.
* There are other problems with the BMAPs. Ag loading reductions are essential and can’t be achieved with unverified BMPs.
* The BMAP proposed projects will only achieve 18-25% of the projected load reductions needed.
* The fish farm and a poultry farm in the springshed helped WSA understand the limits of BMPs.
* Maddy Hart with FDACS Office of Water Policy clarified that the aquaculture division manages the BMPs for the fish farm. There is not a good link between local governments and state agencies. State law keeps local governments from regulating agricultural land uses.
* FSC spent $150,000 on the law suit and we need more money.
* Individuals can go to the [FL Springs Council website to make a donation](https://www.floridaspringscouncil.org/becomeaspringsprotector) and specify it is for the BMAP lawsuit.
* Debbie Lightsey made a motion to make a financial contribution of $500. Howard Kessler seconded the motion and offered an amendment raising the amount to $1000 to support this suit. Debbie accepted the amendment. The motion passed unanimously.

**Springshed and river update -** Cal Jamison

* Water is dark at Wakulla Springs because of tannic flows.
* New sinkhole on the Cherokee Sink track.
* There is meeting with the Tyler McMillan of Tall Timbers on the Park Subdivision and others to walk the conservation areas of the subdivision to consider controlled burns.
* Proposed Comp Plan Amendment for a gas station on the northwest corner of the intersection of routes 319 and 267 right over caves shown on the map. There are prohibitions against hazardous materials in the primary springs control area. The existing station on the southeast corner may be a non-conforming use.
* Cal Jamison will be the point person on this.
* The Wakulla Soil and Water Conservation Commission is looking for 2 new members.
* Spring Creek has been reversing flow. This may increase salinity at Wakulla Springs.
* The Guy Revell Park was dedicated recently. The land was purchased in 2020 by the Northwest Florida Water Management District, and is co-managed by Wakulla County.
* Chris Werner of WKPP reports that “the weather is beginning to dry out, but conditions have not yet improved enough for any quality exploration. WKPP will have a few divers up in the northern part of the system to check visibility late this week.”

**Tallahassee-Leon County Comp plan amendments**

* HB Horton, a developer, has filed 3 amendments, including expanding the urban service area (USA) and allow higher densities along Woodville Highway.
* It includes change from rural to suburban that allows all kinds of uses.
* It needs more research. It may be in the Springs Protection Area.
* It would probably all be on sewer but there will still be new nitrogen.
* The WSA may want to act on this.
* Debbie will be the point person on this.

**City of Tallahassee solar farm herbicide use** – Deyle

* After reviewing the FONSIs and EAs for the two solar farms that were produced by the FAA, as well as the lease agreements between the city and the solar farm operators, Jim Stevenson and Bob have concluded that we ought to confront the city with the fact that no assessment was done of the potential for herbicide use to contaminate ground water and potentially harm Wakulla Spring as well as nearby residents who take their drinking water from the aquifer. Furthermore, it’s not clear whether the use of herbicides is consistent with the leases.
* Bob has revised his calculations of possible Oust loadings to Wakulla Spring after receiving feedback from folks at DEAR and determined that there is an array of plausible scenarios under which Oust levels at the spring could have exceeded EPA’s phytotoxicity threshold for vascular aquatic plants.
* Bob said that he and Jim would like to request formal authorization from the WSA board to re-engage with the City Electric Utility staff on behalf of WSA to try to convince them to take the lead on attempting to persuade Origis Services and/or KKR to formally assess the pros and cons of sheep grazing as an alternative to herbicide use.
* Toward that end, they would also urge City Electric Utility staff to arrange a visit to the Tallahassee solar farms by a sheep herder who could provide an initial assessment of what might be possible.
* The FAA NEPA did not consider herbicide use and impact on Wakulla Springs.
* Albert Gregory made a motion for the Board to authorize Jim and Bob to re-engage with the City Electric Utility staff on these matters on behalf of the WSA, seconded by Howard Kessler and approved unanimously.

**Update re City of Tallahassee consent order and sewer spill transparency policy initiatives**

* Terry Ryan presented pictures from a recent 466,000 gallons spill in Hartsfield Village.
* Terry talked about the City Commission’s FDEP Consent Order Policy and draft letter in Appendix D.
* Tom Taylor made a motion for the WSA Executive Committee to reach consensus on refinements of Terry Ryan’s draft letter, stating appreciation for the new consent order transparency policy and including removing the language regarding projects in-lieu of fines (#2) and to send it to the city commissioners, which was seconded by Albert Gregory and passed 8 to 2.

**Upcoming meetings and events** – Deyle

* **December 17 (third Friday!)** – “America’s Alligator,” Doug Alderson
* **January 28** – Annual meeting - elections of directors and officers; “Manatee in the Northern Gulf of Mexico and Wakulla River” – Michelle Pasawicz, FWC

**Membership dues no later than January 14, 2021** – Deyle

* The membership roster as of January 14, 2022, will be the basis for determining who is eligible to vote in the annual meeting on January 28 as well as who is eligible to serve on the Board.
* So, current members who last paid dues prior to June 30, and others considering joining for the first time, please do so by January 14.
* Debbie Lightsey asked for a tally by category.
* So far, by Bob’s tally, we have seven new members who have joined since June 30th.

|  |  |  |
| --- | --- | --- |
| Life Member | $2,000+ | 1 |
| Benefactor | $500 - $1,999 | 1 |
| Supporter | $100 - $499 | 11 |
| Family | $40 | 7 |
| Individual | $25 | 14 |
| Senior/Student | $15 | 12 |
| Total: |  | 46 |

**Adjourn**

* Debbie Lightsey made the motion to adjourn, seconded by Howard Kessler, which passed unanimously.

**Appendix A**

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**Board Meeting Agenda**

**Friday, November 19, 2021**

**9:00 to 11:30 am, via Zoom**

 **9:00 Opening**

* **Welcome and introductions** - Bob Deyle
* **Agenda review** - Bob Deyle

 **9:10 October 2021 minutes** - Tom Taylor [draft attached]

 **9:15 October 2021 financial report** [draft attached]- Jim Davis

 **9:20 Trends from quarterly submerged aquatic vegetation survey -** Bob Deyle

 **9:40 Update on hazardous algal bloom harvesting pilot project** – Staff, Northwest Florida Water Management District

 **9:50 Legislative preview** – Ryan Smart

**10:00 Florida Springs Council appeal re ALJ BMAP challenge decision** - Ryan Smart

**10:15 What’s new?**

* **Springshed and river update -** Cal Jamison
* **Southwest Georgia Oil Company Comp Plan Amendment (Wakulla County)** - Jamison
* **Cave exploration updates**
* **What else?**

**10:45 City of Tallahassee solar farm herbicide use** – Deyle

**11:00 Update re City of Tallahassee consent order and sewer spill transparency policy initiatives** – Terry Ryan [City FDEP Consent Order Policy and draft letter attached]

**11:15 Upcoming meetings and events** – Deyle

* **December 17 (third Friday!)** – “America’s Alligator,” Doug Alderson
* **January 28** – Annual meeting - elections of directors and officers; “Manatee in the Northern Gulf of Mexico and Wakulla River” – Michelle Pasawicz, FWC

**11:20 Membership dues no later than January 14, 2021** - Deyle

**11:25 Other business**

**11:30 Adjourn**

**Appendix B**

**11-19-21 WAKULLA SPRINGS Board Meeting Participants**

**\* Indicates those present**

Officers

Robert E. Deyle, Chair \*
Howard Kessler, Vice-Chair \*
Tom Taylor, Secretary \*
Jim Davis, Treasurer

Directors

Gail Fishman

Albert Gregory \*
Rob Gelhardt \*

Andreas Hagberg \*

Cal Jamison \*
Brian K. Katz
Debbie Lightsey \*

Terry Ryan \*

Lindsay Stevens
Jim A. Stevenson \*

Members and Guests

Johnny Richardson

Lauren Cruz

Carlos Herd

Kathleen Coates

Mark Heidecker

Ryan Smart

A. Myers

Edgar Wade

Scott Dyer

Dallas Marsh

Madeleine Hart

Paul Thurman

Linda Lee

Brian Lupiani

Scott Knight

Sue Damon

Gil Damon

**Appendix C**

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**Appendix D**

**City FDEP Consent Order Policy and draft letter**

City Commission Policy (Policy #)
FDEP Consent Order Policy
Department: Environmental Services and Facilities Date Adopted:
Date of Last Revision:

1. xxx.01 AUTHORITY: City Commission
2. xxx.02 PURPOSE: Adopt a FDEP Consent Order Policy that ensures transparency, and provides for efficient resolution of environmental violations, in order to ensure continuity of essential services for our community.

xxx.03 STATEMENT OF POLICY: It shall be the policy of the City of Tallahassee to provide the City Manager with authority to resolve environmental violations with State of Florida Department of Environmental Protection (FDEP) through a consent order (CO), while requiring the following measures:

1. The City shall provide public notice of all FDEP COs in a newspaper of daily circulation in Leon County, Florida within 30 days of the CO’s effective date.
2. If permitted by FDEP, the City shall elect in-kind or pollution prevention projects in lieu of civil penalties, in order to focus these funds back into our community.
3. The City Commission will be notified of a pending proposed CO.
4. Periodic updates on the status of FDEP COs shall be provided to the City Commission, as appropriate.
5. Execution of COs shall be in accordance with City Commission Policy 116.
6. A link to active entered FDEP COs will be maintained on the City’s website.

xxx.04 Background and Intent:

FDEP has the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapters 373, 376, and 403, Florida Statutes, and the rules promulgated and authorized in Title 62, Florida

Administrative Code. Many aspects of the essential services provided to our community via City operations are subject to FDEP regulation. When FDEP finds that an environmental violation occurred and intends to pursue formal enforcement, a CO is typically offered to the responsible party (Respondent) as a means of settlement, prior to FDEP filing a legal action.

A CO entered into by FDEP and a responsible party (Respondent) is a legally enforceable document that binds the Respondent to perform certain acts and resolves environmental violations of Florida law. The CO is an administrative final order governed by the Administrative Procedures Act, Chapter 120, Florida Statutes, and is challengeable by a substantially interested party within the timeframes outlined in Chapter 120.

The City, through adoption and implementation of this policy, desires to formalize its commitment to the City’s mission to ensure continuity of essential services by giving the City Manager the authority to expeditiously resolve violations with FDEP, while providing for transparency and public awareness.

xxx.05 Scope and Applicability: This policy applies to all COs the City enters into with FDEP.

xxx.06 ADMINISTRATION: The City’s Environmental Services and Facilities Department shall be responsible for the oversight, implementation, and periodic update of this Policy.

xxx.08 SUNSET PROVISION: This policy shall be scheduled for sunset review by the City Commission at least once every five years, or pursuant to such other schedule as may subsequently be adopted by the City Commission for general sunset review of City policies.

xxx.09 EFFECTIVE DATE: This policy becomes effective immediately upon adoption by the City Commission

REVISIONS: None.

**PROPOSED LETTER TO THE MAYOR & COMMISSIONERS.**

Mr. Mayor and City Commissioners,

Although we greatly appreciate your and staff’s efforts to pass enhanced transparency policies for new or amended FDEP or EPA consent orders, we are concerned that the various policies approved either woefully lack transparency or are ambiguous in their enactment.

Specifically:

-#1 policy indicates only a small 1”x4” fine-print notice buried in the classified ads is needed. Thus, this policy has codified non-transparency in not notifying the public directly through normal news releases to local media;

-One policy (#2) was in direct contradiction of Ms. Marshall, former General Manager who disagreed with the city substituting projects in lieu of paying FDEP penalties, thus, possibly disincentivizing adherence to preventing spills;

-Two policies (#3 & 4) are ambiguous as to who, what, when and how these policies are to be carried out;

-Policy #5 referenced City Commission Policy 116 for approval and execution of consent orders, however, a review of 116 found no specific policy allowing this process;

Policy #6 of maintaining a summary of active consent orders on the city’s website is fine and appreciated.