



Palm Beach County Water Resources Task Force



March 6, 2020
1:30pm

**Clayton E. Hutcheson Agricultural Services Center (Exhibit Hall A)
559 North Military Trail, West Palm Beach, Florida 33415**

Meeting Minutes

Water Resources Task Force Attendees

Seat ID	Member Name	Status	Alternate Name	Status
1	Monica Mayotte	Present	Vacant	
2	Vacant		Vacant	
3	Chip Block (Chair)	Present	Vacant	
4	Jason Haselkorn	Present	Vacant	
5	Rachelle Litt	Present	Myra Koutzen	Absent
6	David Stewart	Present	Vacant	
7	Gregg Weiss	Present	Melissa McKinlay	Absent
8	Vacant		Vacant	
9	Tommy Strowd	Present	Vacant	
10	Vacant		Vacant	
11	Jay Steinle	Present	Mark Elsner	Present
12	Vacant		Vacant	
13	Vacant		Vacant	
14	Michael Johnson	Present	Greg Shafer	Absent

1. Call to Order and Introductions

A quorum was observed and Chip Block (Jupiter Inlet Colony) called the meeting to order at approximately 1:30 p.m. The Palm Beach County (County) Water Resources Task Force (WRTF) members then introduced themselves to the meeting attendees. The attached sign-in sheet provides the full list of meeting attendees.

2. VOTING ITEM: Consider Nominations for and Elect a Vice Chair of the WRTF

On February 11, 2020, the Board of County Commissioners (BCC) approved reassigning Palm Beach County League of Cities (LOC) appointee Myra Koutzen (Palm Beach Shores) from member to alternative and LOC appointee Rachelle Litt (Palm Beach Gardens) from alternative to member. Since Ms. Koutzen had been serving as WRTF Vice Chair, the election of a new Vice Chair is appropriate. A motion to nominate Ms. Litt (Palm Beach Gardens) was made by Jason Haselkorn (Juno Beach) and seconded by Monica Mayotte (Boca Raton). The WRTF then voted to elect Ms. Litt as Vice Chair.

3. VOTING ITEM: Consider Supporting Palm Beach County's Proposed Environmental and Water General Obligation Bond Referendum

Mr. Block introduced the agenda item. David Stewart (Lantana) mentioned that after this was presented at a recent LOC meeting, some municipalities have expressed concern about the bond and the proposal to collect taxes in municipalities that already funded septic to sewer conversion projects (without assistance from other municipalities) to assist in funding septic to sewer projects in other municipalities. Mr. Stewart said most comments supported going forward with the bond and supported septic to sewer conversion as long as substantial progress was made and we avoid just hiring engineers to develop ideas. Mr. Stewart also stated that concerns from other municipalities have been communicated to him regarding the proposed housing and homelessness bond being discussed by the Palm Beach County Board of County Commissioners (BCC).

Ms. Mayotte stated that homelessness is a problem in the County and asked if the housing bond would be separate from the environmental bond or if they would be combined. Mr. Block stated they would likely be separate, but the BCC has not been decided. Gregg Weiss (County) stated that the goal would be to leverage additional funds from the state and other potential sources. Mr. Weiss confirmed that a decision regarding combining the housing and environmental bonds has not been made by the BCC, but it is likely that they would be kept separate.

Mr. Block asked if anyone in attendance would like to speak on the topic. Robert Robbins (Sustainable Palm Beach County (SPBC)) encouraged the WRTF to be the first body to take a position and vote in support of the environmental bond. Mr. Robbins stated the bond is ambitious and complex and there will likely be matching funds brought to the County to fund, perhaps as much as \$150 million. Rob stated that the septic to sewer conversion projects that contribute the most nutrients to County waterways would be prioritized and these along with stormwater retrofit projects are not expected to take a large portion of the proposed \$150 million.

Jay Steinle (South Florida Water Management District or SFWMD) asked about future education and awareness activities and mentioned an example where the City of West Palm Beach Parks Bond information was provided to users during the parks and recreation online registration process. Mr. Robbins stated that SPBC can proactively recommend supporting the bond and SPBC members have been doing so, but County staff can simply educate and provide facts about the bond but not advocate. Deb Drum (County) responded that the City's Parks Bond referendum is coming up very soon in March which likely explains the increased amount of information being distributed to residents and that the County is currently starting to prepare informational materials related to the environmental bond and County staff have been presenting to every group or municipality that requests one. Mr. Block stated that County staff along with SPBC members would be presenting an education and outreach plan at the March 10 BCC meeting. Ms. Drum mentioned that in addition, County staff would be providing information on estimated operations and maintenance costs for the proposed projects and conceptual project evaluation and assessment criteria. Mr. Weiss confirmed that the BCC provided staff direction to plan to

have the bond referendum on the November 3, 2020 ballot. Mr. Block asked if there is any public comment.

Jeff Koons stated that the WRTF was formed in the early 2000s to continue progress and momentum on the L-8 Reservoir and Stormwater Treatment Areas; we had purchased a couple hundred million dollars of land, we had natural systems in place to store and divert water to where it was needed, we were fat, dumb and happy in 2002 and then everything went to hell in a handbasket; all the planning we did resulted in \$1 Billion of water infrastructure so this proposed \$150 million bond will be the first of a few phases to continue to take care of our water issues; the WRTF was created to coordinate water strategy, since water does not know political boundaries, we're a \$1 Billion in to this so far, the rest of the state is in crisis, we have the best water, the best natural systems, we own all the land, we've gotten all coordinated, we just have to do it ourselves, we've never going to get money from the state legislature, nobody cares about east of the Lake O, state money will go south of Lake O, purpose of WRTF is to advocate for common sense water solutions and get the different systems in place; think globally, act locally, Tallahassee and Washington are not going to save us.

Rich Walesky (SPBC) stated that the clean water bond should be a great thing to move forward with as you read about water quality challenges in the newspapers every day. The bond issue will enable future partnerships and allow grant opportunities and many cities will likely be interested as their infrastructure is started to need to be replaced; who is not in favor of clean water; the bond is likely to pass as everyone supports clean water, we have a successful track record of passing bonds to acquire and purchase conserve lands; our constituency supports these types of initiatives; Amendment 1 which was proposed to fund land management and acquisition using doc stamp revenues passed in the County with 87 percent yes votes, which was the highest in the state.

Mr. Weiss made a motion for the WRTF to support the environmental and water bond which was seconded by Ms. Mayotte. The WRTF voted unanimously to approve the motion, with an abstention by Mr. Steinle. Mr. Steinle stated that his abstention is based on the assumption that many of the proposed projects may eventually come before the SFWMD Governing Board.

4. Lake Okeechobee Operations and Implications to our Region

Tommy Strowd (Lake Worth Drainage District or LWDD) stated that Lake Okeechobee is the central hydrologic feature in South Florida and affects just about everything related to water in our area. The objective of the U.S. Army Corps of Engineers' (USACE) Central and Southern Florida (C&SF) Project was to provide flood control and water supply, but unintended consequences occurred to many South Florida ecosystems (impacts to endangered species, water quality, estuarine health, increased droughts and fires, etc.). As ecosystem restoration activities were being discussed and planned to address these unintended consequences, there were concerns that new water created by ecosystem restoration projects would be permitted away and not be available to the environment as originally intended. Another concern was that water would be taken from existing legal water users to restore the ecosystems. So federal and state laws and

regulations were developed to address these concerns (referred to as water reservations and the savings clause) which enabled support and passage of what became known as the Comprehensive Everglades Restoration Plan (CERP).

Lake Okeechobee is currently operated per a plan (intended to be temporary) developed in 2008 (LORS2008) which recognized that as new Everglades Restoration projects became operational, Lake Okeechobee operations would need to be updated by the USACE to take those new projects into consideration and integrated into a system operating manual. With multiple CERP reservoirs under construction or being designed now, there is no reason that Lake Okeechobee operations should not be integrated with the CERP reservoirs.

A lot has changed since 2008 and harmful algal blooms have become more of an issue which has resulted in a push to add operational flexibility to Lake operations, which seems to be focused on reducing water levels in the lake during the dry season; this approach can impact the ability of the Lake to provide water supply to legal permitted users during dry conditions. USACE is currently working on a deviation to Lake operations which would be in place through at least 2022.

In addition, the USACE has determined that the protections enacted as part of CERP for legal permitted water users (referred to as the savings clause) do not apply to the USACE's ongoing Lake Okeechobee System Operating Manual (LOSOM) effort to modify Lake operations. We are concerned about this policy decision and the fact that there appears to be no other source of water to replace the water that will no longer be available in the Lake upon the implementation of additional operational flexibility, planned deviations, and/or LOSOM.

Jeremy McBryan (County) stated that the Task Force's mission is to help evaluate strategies and solutions for County-wide water resources and your roles and responsibilities are to identify opportunities and impediments to water supply. Lake O is integral to all of water resources in South Florida and impacts flood control, water quality, ecosystem restoration, water supplies – Lake O affects millions of residents in and visitors to the County. Mr. McBryan stated that many stakeholders are confused by the current process to modify Lake operations, as it diverges from their expectations on how major changes to operations of the regional water management system should occur. The County has been coordinating with city leaders, local elected officials, stakeholders, and state and federal representatives to try and communicate our thoughts.

Brian Accardo (Manson Bolves Donaldson Varn) stated that the County is trying to get their arms around the proposed changes and they recognized that until CERP is implemented, there will be water resources challenges and tensions in South Florida. And when operational modifications are proposed to mitigate those challenges and tensions, the resultant consequences must be analyzed appropriately. Mr. Accardo stated his role is to assist the County in assessing whether the legal basis for the USACE's proposed operational changes to the Lake is sound. The County's position is that the USACE's proposed changes to Lake O operations are significant and the USACE

is therefore required to prepare a supplemental environmental impact statement that appropriately evaluates the consequences of the proposed action.

Mr. Accardo stated that the LOSOM process is clearly focused on improving ecosystem health, reducing the negative impacts of Lake releases on coastal estuaries and improving the health of Lake Okeechobee – all of which are clearly in line with CERP objectives. If CERP-like objectives and benefits are the goal of LOSOM, then CERP principles (e.g. water reservations and the savings clause) apply.

Mr. Accardo stated that there are legal arguments on both sides and these legal disagreements stem entirely from a policy decision made by USACE to not apply CERP’s savings clause. There is no law that states CERP principles *cannot* be applied when evaluating Lake Okeechobee operations. So the question is: why did USACE decide not to apply CERP’s protections for water supply? The County will continue to ask questions and elected officials and municipal leaders should continue to ask questions to ensure good public policy is implemented. Mr. Accardo said in his opinion, there is only one wrong answer that is not good public policy and that is “my lawyers said I don’t have to do it, so therefore I won’t.”

Regarding SFWMD, the USACE announced their decision to not apply the CERP savings clause in December 2019. When asked about it in January 2020, it was unclear if and how USACE coordinated with SFWMD on this policy decision and it is still not clear what SFWMD’s position is on the savings clause. In conclusion, Mr. Accardo stated that of the lawyers that will review Section 373.1501 Florida Statutes, which authorizes SFWMD to be the local sponsor for the C&SF system and CERP, half will conclude that this statute requires SFWMD to advise the USACE on the applicability of CERP principles/regulations to the LOSOM process and the half will conclude that SFWMD is not required to take a position on the matter. This is a legal side show to the fundamental question which is: should SFWMD advise USACE on the issue? Mr. Block asked if there is any public comment.

Scott Kelly (representing West Palm Beach) stated that Lake Okeechobee and the Savings Clause issue are very important to the City and the City wants to continue to be engaged; there is no disagreement amongst stakeholders in the County on the importance of the Savings Clause; we should continue to collaborate and express our interest in collaborating to all elected officials and to the SFWMD; the City would like to see a collaborative effort moving forward; we need to continue to inform local, state and federal elected officials on our common interests and opinions; and while this is a complex issue and the importance is difficult to explain in simple terms; the City appreciates the County’s efforts to simplify and explain and we should continue to develop common policy recommendations; we don’t have a lot of time since LOSOM and the W[ater] R[esources] D[evelopment] A[ct] are moving forward. Mr. Block stated it would be good to have someone from the City of West Palm Beach to serve on the WRTF. Mr. McBryan will coordinate with the City and the LOC.

Jim Alderman (LWDD) stated that he served on the WRTF with Jeff Koons; water supply is very critical to the County and the LWDD and without water supply, we're in trouble and you know the consequences such as saltwater intrusion; the Corps and the Water Management District are changing things fairly quickly and they didn't seem to understand water supply when they got put on the board; we've met with the new Colonel and explained that without water supply, we're dead; there is no backup plan; the Lake is dropping fast and there is likely 3-4 weeks left of water in the Lake; the County should consider adding the Site 1 impoundment to the environmental bond as it could provide water in the County for 3-4 weeks if we have a bad drought; it will cost a lot of money, but if the Corps continues to change the rules with Lake O operations and does not understand the consequences, we need a reservoir; previous droughts in 2008, 2001 and 1979 have been bad; SFWMD and the Corps does not seem to respond to or understand what our problems are so we're going to have to be self-sufficient.

Drew Martin (Sierra Club) stated that he thinks we are ignoring the history of why this happened and why the Corps is doing what they are doing; there were tons of dead animals on all of the beaches of the west coast and when the Lake is too high, water is flushed to the estuaries which results in flesh eating bacteria which is bad for the economy; we need to look at water conservation; we encourage landscaping that needs tons of water; we don't have enough green infrastructure; County staff is saying they are not being told to do green infrastructure; when development is done, we need to see green infrastructure and water needs to be held on the property; trees are being cut down due to sidewalks buckling and replaced by more and more concrete; we are totally dependent on Lake Okeechobee and we need to focus on storing water on properties and conserving water so we are not wasting it.

5. General Task Force Member Comments

Mr. Weiss responded to Mr. Martin's comments by stating that the County does have a policy to support the implementation of green infrastructure and the County was recently awarded a grant to assist in obtaining LEED certification; water conservation is a responsibility for everybody; the BCC supports being good stewards of the environment; the County was in D.C. recently and met with our federal delegation and expressed our concern with regard to the savings clause issue and impacts to our community; the County is taking a leadership role. Mr. Weiss also reminded attendees that the state legislature again usurped local control and passed legislation that allows people to cut down trees without getting approval by local governments and does not require tree replacement.

Mr. Block asked if it would be useful to pass a resolution supporting the County's position on the savings clause and Mr. Weiss responded affirmatively. Mr. Block asked if the County has education programs related to water conservation. Ms. Drum stated that the County has many education programs specific to the environment, natural areas and water resources; Mr. Weiss mentioned the County's Water Utilities Department and the City of West Palm Beach does water conservation outreach; IFAS was also mentioned. Ms. Litt stated that the Palm Beach North Chamber Sustainability Committee can work with the ten municipal members to increase water

conservation education and outreach. Mr. McBryan stated that the County has just started the process to update landscape irrigation ordinances to better align with SFWMD rules.

Mr. Steinle stated that the new SFWMD Governing Board was tasked with and wants to be open and communicative with all stakeholders and is willing to engage with everybody; the next SFWMD Governing Board meeting is March 12 in West Palm Beach and making public comments at board meetings is always an opportunity for people to express their concerns; he has spoken with Mr. Stowd regarding options for Site 1 and other pre-existing storage options; Mr. Steinle said to let him, other board members or Drew Bartlett know if you think SFWMD is not engaging because that is the last thing we want to have folks perceive.

Ms. Litt asked if the environmental bond is to come before the BCC in July and if letters of support from municipalities are desired. Mr. Block answered yes to both. Ms. Litt asked if Ms. Drum is planning to present information on the bond to the municipalities and if that has started. Mr. Block replied that is the plan and Ms. Drum stated she has presented to the LOC general membership, board of directors and environmental committee and is willing to present to any city council or commission that requests one. Ms. Litt requested that Ms. Drum reach out to the Palm Beach Gardens City Manager to coordinate a presentation.

6. General Public Comments

Jeff Koons heard the Colonel say the Savings Clause does not apply and the USACE will not conduct an environmental impact statement. This started in 1992 when USACE stated that they would shut off water from coming down to Grassy Waters; we started working with LWDD and the County's Water Utilities Department (WUD) to send excess water in the County and send it to Broward County; WUD is flush with water; we have to re-imagine how we treat our water systems and how we get our water; if the City of West Palm Beach cannot get their water, it means the Loxahatchee River does not get its water; we're all interconnected; we've never done the analysis of how much water we've saved by implementing local controls; Indian Trail Improvement District water could send their water to West Palm Beach to help with recharge; the County is the epicenter of Everglades Restoration; we have plenty of water; is there a basin plan for the C-51 Basin?; if these decisions continue to be made, we need to educate all SFWMD board members.

Mr. Stewart asked if there were meeting minutes to approve. Mr. McBryan stated no and that minutes for the January and March WRTF meetings would be available to approve at the next WRTF meeting.

7. Adjournment

Mr. Block adjourned the meeting at approximately 3:15 p.m.



Palm Beach County Water Resources Task Force
Meeting Sign-in Sheet
March 6, 2020
1:30 pm



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