

Peace River Basin Management Advisory Committee – 5th Meeting
South Florida Community College – DeSoto Campus
2251 NE Turner Ave., Arcadia, FL 34266
June 11, 2009

Committee Representatives in Attendance

Mimi Drew, FDEP – *Chair*
Jennette Seachrist, SWFWMD – *Alternate Vice Chair*
Barbara Carlton – PRVCGA
Dick Loftus – Charlotte County Commission
Judy Schaefer – DeSoto County Commission
Minor Bryant – Hardee County Commission
Duke Clem – Polk County Commission (Alternate)
Jon Thaxton – Sarasota County Commission
David Royal – Clear Springs
Don Ross – Earth Balance
Marian Ryan – Sierra Club

Richard Ghent – CF Industries
Pat Steed – CFRPC
Tammy Hall – SWFRPC
Lisa Beever – CHNEP
Shannon Staub – PRMRWSA
Steve Richardson – FIPR
Ed Hanlon – UF-IFAS (Alternate)
Tom Fraser – Mote
Noel Marton – FDACS (Alternate)
Keith Keene - FDOH

Others in Attendance

Kris Robbins – Entrix
Russell Schweiss – Mosaic
Dee Allen – Mosaic
Danon Moxley – FFWCC
Mike Britt – City of Winter Haven
LeRoy Crockett - USDA-NRCS
Lisa Robertson – FDEP
Richard Cantrell – FDEP
Orlando Rivera – FDEP
Jennifer Daniels

DeeAnn Miller - FDEP
Susan Stephens – HGS
Mike Coates – PRMRWSA
Tim King – FFWCC
Stefan Kataras – CF Industries
Calli Skipper – CF Industries
Bud Cates – FDEP
Michelle Harmeling – FDEP
Janine Callahan – FDEP
Susan Hoffman – DeSoto Sun

Introductions and Opening Remarks

Committee Chair Mimi Drew welcomed everyone to the fifth meeting of the Peace River Basin Management Advisory Committee. She advised members that the *Peace River Cumulative Impact Study* (January 2007) identified four stressors that had adversely impacted the Peace River watershed and the focus of this meeting would be on the phosphate mining industry. She then introduced the first speaker. (NOTE: All presentations are available online at <http://www.dep.state.fl.us/water/mines/prbmac.htm>.)

Presentations

Rick Cantrell (FDEP) – *Peace River Basin Resource Management Plan Action Items Status Report*. Mr. Cantrell explained that only action items which had undergone a significant revision since the previous meeting were included in his presentation; a discussion of all 24 action items is in a handout provided each Committee member. The following are highlights of the action items discussed by Mr. Cantrell:

- Action Item #1 – The evaluation of reclaimed and released wetlands is nearing completion; a final report is being prepared and the results will be presented at the next Committee meeting.
- Action Item #2 – Monitoring locations continue to show increasing trends that correlate to decreasing rainfall/increased irrigation in the vicinities of Shell and Prairie Creeks.
- Action Item #12 – Water in the Horse Creek Basin is becoming more mineralized, due to increased irrigation activities by agricultural interests in the area as well as by activities related to the USAC phosphogypsum stack closure being conducted by the FDEP; the specific conductance concentrations are

expected to decrease during the next few years as the use of groundwater is reduced and the stack closure is completed.

- Action Item #7 – The final evaluation of stream flow losses through karst features in the upper Peace River is expected by the end of June 2009.
- Action Item #10 – *Approve Initiation of Rulemaking to Amend Chapter 40D-8, F.A.C., to Establish Minimum Flows for the Estuarine Reaches of the Lower Peace River* is a discussion item on the agenda of the June 2009 meeting of the SWFWMD Governing Board.
- Action Item #24 – Although draft legislation to combine the Environmental Resource Permit and Conceptual Reclamation Plan was prepared for the 2009 Legislative session, it was not considered; the FDEP will continue to work on getting these two items consolidated.

Following this presentation, Minor Bryant asked if wetlands adjacent to Lake Hancock could be used to treat water discharged from gypsum stacks; Mr. Cantrell responded that it would not be possible since this water is highly acidic and contains heavy metals. He also noted that treatment of water discharged from phosphogypsum stacks is extremely expensive and that trust fund monies are being used by the FDEP to treat the water discharged from the USAC stack.

Rick Cantrell (FDEP) – Permitting. In addition to agriculture, development, and climate, phosphate mining is one of the four stressors on the Peace River Basin. Prior to July 1975, almost 99,000 acres were mined for phosphate in the Basin. At the end of December 2007, more than 68,000 acres had been reclaimed to mandatory standards. As of 1999, over 88,000 acres were used for active clay settling areas. Aerials of the Peace River Basin show the extent of impacts caused by the various stressors in the area. The Environmental Resource Permit program regulates activities in both wetlands and uplands that affect surface water flows. Conceptual Reclamation Plans regulate wetlands and natural surface waters that are disturbed by phosphate mining activities and require that these areas be restored at least acre-for-acre and type-for-type; natural streams are required to be restored based upon the linear footage disturbed. Since 2003, the FDEP has issued three permits (Altman Tract in June 2006, Ona Fort Green Mine in June 2009, and South Fort Meade Hardee County Mine in February 2009) and is currently reviewing a pending application for the South Pasture Mine Extension. Several Committee members had questions or comments at the conclusion of this presentation. In response, Mr. Cantrell noted that most of the waters in the State are Class III (suitable for fishing and recreation), a Conservation Easement is normally issued to the State before mining activities begin, the Nonmandatory Trust Fund is providing the monies needed to properly close the two abandoned USAC phosphogypsum stacks, and the Integrated Habitat Network incorporates wildlife corridors into its design.

Richard Ghent (CF Industries) – Evolving Phosphate Management Practices. Mr. Ghent began his presentation by observing that the world needs fertilizers to sustain the growing populations and Florida's resources include part of the world's limited phosphate reserves. He noted that only 10% of the land/water use within the Peace River Basin has been impacted by phosphate mining operations. Industry issues in the past include: releases from non-engineered dams, clay settling areas, and ditches to nearby tributaries; significant groundwater usage; adverse impacts to water quality; impacts caused by unlined cooling ponds and phosphogypsum stacks; lack of financial assurances/long-term care of phosphogypsum stacks; the lack of reclamation requirements for areas mined before 1975 and questionable quality of reclamation; and, the absence of environmental management system of audits and verifications. Significant improvements by the phosphate mining industry have been made in recent years to address these past issues, including: proper engineering of containment areas and on-going improvements in mining operations. In addition, the efficient use of recycled waters has resulted in a major reduction in the use of groundwater; water quality improvements have been instituted; outdated gyp stacks have been closed and new ones lined to prevent impacts; financial assurances are now required to ensure proper reclamation is conducted; and audits are now conducted on a regular basis to ensure best management practices are followed. Mr. Ghent also noted that the phosphate industry has a major economic impact in central Florida in terms of jobs, wages, property taxes, and associated services.

Kristan Robbins (Entrix, Inc. for Mosaic Company) – The Horse Creek Stewardship Program. The stewardship program was created to ensure that Mosaic’s mining activities do not adversely affect Horse Creek, Peace River, or Charlotte Harbor. The three main components of the plan are to: monitor and report on stream quality; investigate adverse conditions or significant trends; and, implement corrective action for adverse changes caused by Mosaic’s mining activities. Water quality, water quantity, and biological data are collected at four stations within the program area, with results provided in monthly and annual reports. Ms. Robbins outlined several potential benefits of the stewardship program, including that it provided seven years of data that would not otherwise have been collected which offered a unique insight into the Horse Creek Basin. She also noted that the data collected at Horse Creek could possibly help the FDEP with rule development; however, at the conclusion of this presentation, Mr. Cantrell stated that these data could not be used by the FDEP in rule development since Horse Creek is a seasonal stream and the Stream Condition Index (SCI) procedure only works in perennial streams.

Michelle Harmeling (FDEP) – Land Management for the Integrated Habitat Network. Ms. Harmeling explained that the Integrated Habitat Network (IHN) is a mixture of linear connecting habitats composed of leased and protected parcels. The IHN serves as a guide for the reclamation of mined lands, enhancement of unmined lands, and the protection of significant fragile environments. Currently, more than 24,000 acres of managed lands (Coastal Settlement, Donation, Conservation Easement/Agreement, or Deed Restriction) in the Peace River Basin are contained in the IHN. The FDEP actively manages several properties in the IHN (including the Homeland parcel which contains the FDEP’s Environmental Resources Section branch office), co-manages the Tenoroc Fish Management Area with the Florida Fish and Wildlife Conservation Commission (FFWCC), and is engaged in coordinated research studies, cooperative efforts, and creative partnerships with FFWCC, Florida Institute of Phosphate Research, University of Florida, Polk County Natural Resources, Polk County School Board, Peace River Environmental Education Network, and the U.S. Department of Agriculture-Plant Materials Center on IHN lands. At the conclusion of her presentation, Jon Thaxton asked about the difference between a Conservation Easement and Deed Restriction areas; Ms. Harmeling responded that a Deed Restriction is less stringent in terms of land uses than a Conservation Easement, it is easier to change with the approval of involved parties, and has the potential to lapse if not periodically renewed, which is why the FDEP now only accepts Conservation Easements and is working with one company to change its Deed Restriction to a Conservation Easement to ensure preservation.

Committee Discussion

Rick Cantrell stated that a survey sent to Committee members following the January 2009 meeting garnered very little response. Chair Mimi Drew added that it was important for the members to provide input to ensure that the Committee was moving in the right direction. The survey will be re-sent so that an adequate response from the members can be obtained. Duke Clem discussed a study being conducted by Polk County on phosphate mined lands and requested that time be set aside for an update at the next meeting; Ms. Drew said that would be done. Ms. Drew mentioned that climate, one of the four stressors identified in the *Cumulative Impact Study*, had not yet been addressed; Committee members thought it should be discussed at the next meeting.

Don Ross began a discussion on the need for the Committee to find something to do because as of now no definitive course of action has been set. Several other Committee members also spoke of the need for a direction or emphasis for the Committee to take in terms of addressing issues within the Peace River Basin. Other members noted that while the exchange of information through presentations at the meetings had been helpful, it was time to determine what the Committee should be doing to help local communities and agencies plan for future activities within the Basin. Ms. Drew noted that a vision for the Committee needs to come from local members since they are the ones living in the area and know best

what needs to be done to address current and future issues. Cooperative efforts rather than restrictive regulations were deemed the best way to address issues impacting the Basin, but it was noted these efforts are defined by economic and social aspects. Mike Britt recommended that the Committee hear from the Peace River Manasota Regional Water Supply Authority (PRMRWSA) because it had taken a leadership role in the protection of the Peace River and Charlotte Harbor; the PRMRWSA has a report due soon on watershed structure and water use influences in the Basin and Mr. Britt felt that this could help the Committee understand what it should and could do in the Peace River Basin. Ms. Drew requested that attention be returned to the problem of Committee focus; she asked all members respond to the survey or email their thoughts to Rick Cantrell or FDEP staff with the goal of determining whether the Committee can be helpful or should disband.

The next meeting was scheduled for September 2009, with the location to be determined

Public Comment

Jennifer Daniels, a Bartow resident, brought to the Committee's attention a situation in Bartow that has the potential to affect water resources in that portion of Polk County. She discussed a proposed landfill upgrade to Class III status that would allow the site to accept sewage sludge in addition to the currently accepted construction waste only. Ms. Daniels said the City of Bartow is not challenging the application and is poised to issue intent to permit. She questions whether the landfill site, on phosphate-mined land which may be subject to sinkhole activity, would be suitable for this use due to the possibility of groundwater contamination. Ms. Daniels asked if the Committee could address this issue since it is concerned with issues that affect the Peace River Basin; several members offered Ms. Daniels some possible actions that could be undertaken.

The meeting was adjourned at 12:05pm.