

Captiva Community Panel

MINUTES

Sept. 11, 2018

Attending: Dave Jensen, Mike Mullins, Mike Lanigan, Bob Walter, Rene Miville. Jay Brown. By phone: Mike Boris, Mike Kelly, David Mintz, Tom Rathbone, Antje Baumgarten

Audience: 10

The meeting convened at 9 a.m. with Mullins presiding. He asked for a moment of silence in honor of 9/11. Following introductions, the Aug. 14 were unanimously approved (Jensen/Brown).

CFD: *Chief Jeff Pawul:* Tri this weekend. Road closes Sunday 6:45-8:45 a.m. I encourage everyone to remember the 9/11 tragedy.

LCSSO: *Lt. Mike Sawicki:* Labor Day was slow for all. Watch out for storms, be prepared for any eventuality. Plenty of hurricane season left. *Mullins:* Scott resignation? *Sawicki:* Official, long service to community, Undersheriff Marceno likely to be named interim sheriff.

CEPD: *Administrator Damon Grant...* *Mullins:* Thanks for efforts to clean beaches, and to Lee County as well. *Grant:* Coordinating beach cleanup and fish kill. Beaches look good, water quality need some work. Two meetings upcoming, a budget hearing Thursday at 5:01 p.m. and on Sept. 27, with a regular meeting at 3 p.m. and budget hearing at 5:01 pm.

Captiva Library: *Coleen Barany:* Adult reading program August. Ran through programs and participants. September, Island Hopper festival 9/21 2-3:30 p.m., three artists playing at Community Center. Listed programs upcoming. Oct. 1-15 next library read, young adult fantasy.

Advocacy: *Mullins:* Baumgarten interested in participating. Have been reminded there are a lot of other advocacy groups around, reached out to them to gauge interest in pursuing this. Florida Business Council being formed, 501c4 being created around red tide and lake releases. Encourage politicians doing the right things and against those doing the wrong thing. *Brown:* So many diff groups out there, advocating to do something about water. Anyone providing overall coordination? *Jensen:* Business Roundtable, goal is to connect all the groups. Develop message we can all share, encourage any businesses to participate. *Miville:* I have the solution to water releases. Go to President Trump, ask for an executive order to assign U.S. Army Corps of Engineers to fix issue immediately or you won't get re-elected. Could get fast results. *John Riegert:* SCCF is boots on the ground, know islands inside and out. Corps controls volume, not quality. Florida DEP, EPA and Water Management District control quality, and their budgets have been slashed. *Mullins:* Have seen some questionable websites, hawking merchandise. Sense of validity for some of these organizations. Discussion. *Miville:* When they say "naturally occurring" it means they're owned by Big Sugar. *Mullins:* Sugar has ads in News-Press, messages from Clewiston Chamber, expecting robocalls next. *Riegert:* Phosphorus holding pond leak dropped a load of nutrients into the system. Red tide has got the food source and water temps. *Ralf Brookes:* Success with Captains for Clean Water and Protect Peace River. Desoto commission denied rezoning for 15,000 acres for phosphate mine. Mostly due to current crisis. *Mullins:* Discussion of Louisiana ammonia plant and dead zones in Gulf.

(Rae Ann Wessel joined call.) *Mullins:* Recap. Avoid duplication, direct people and share information.

Wessel: Lake is at 14.7 feet today, about a foot higher than before Irma hit. Storms in Atlantic, Corps has some discomfort about that level, just reduced releases to both sides but expect them to consider renewing them. This is not over until it stops raining and we get out of hurricane season. We do Franklin Locks testing, most water comes from watershed, not to say lake doesn't have a role. There's a call later today, they may want to increase releases to create lake capacity. Lake can come up four feet after a storm due to gravity feeds from the north. Lake still has blue-green algae, still on Caloosahatchee. Gordon mixed coastal waters, moved red tide to the northwest, some reduced sensation on beaches. Still way over tipping point to having impact... should be 10,000 parts per liter, at worst it was 10 million part per liter, now it's around a million parts per liter. Some benefit from Gordon, mixed three layers of water that were stratified. Salt, thermocline, hydrogen sulfide at bottom. Dead zone with no oxygen. Video presented at Business Roundtable. Nothing is finished as long as there is rainfall. Like a living organism, an event we'll have to live through. *Brown:* Any idea when we might return to normal? Assuming normal rainfall. *Wessel:* Hard to tell, too many variables. 2006 red tide lasted 18 months, this one started in October 2017, fed by Saharan dust which contains a lot of iron, deposits iron in the Gulf. Known constituent of cyanobacteria bloom, sea sawdust. More than nutrients alone. Nutrients from everywhere feeding the bloom to an extent, also role for iron. Not just rain amounts, need to know more about iron deposition. Blue-green bloom running its course, won't die off until it stops raining and we get to a drier part of the year with cooler water temps. Offshore winds help to push red tide away but it's not gone. 10-20 miles south, dead zones floating out there.

Miville: Life expectancy of red tide cells? *Wessel:* They do have a life cycle but I don't know what it is. *Miville:* Water containment? What is in the works? *Wessel:* Glad to come out to explain it with visuals and more context. Capital improvement projects authorize and fund south of the lake to make big change occur. until you have a place to put a lot of water, capture and retain other than Lake O, no other magic box. Eight years out, need WRDA bill for funding, 8-year timeframe optimistically. Need to get water out of the lake. North of the lake projects were undermined by landowners not interested in selling land. Anything north of the lake ends up in the lake. South of the lake, need to get water out of lake and not to two estuaries. Pursuing Gov. Scott and Florida DEP and South Florida Water Management District to raise canal stages, considered dispersed water management on agricultural land under emergency orders. Use emergency money to pay for crop losses, a deal in comparative value. There are strong opinion-makers south of the lake that are not budging. Even asked about water farming for particular land owners. U.S. Sugar and Dixie Crystals, paying them to farm water rather than crops. They would still own land, since they don't want to sell. Find a critical mass and message and messenger to move this forward at the state level, makes elections important.

Riegert: SERF plan? *Wessel:* EAA reservoir, federal project. *Lanigan:* How does Corps decide on releases? *Wessel:* Lake Okeechobee Regulatory Schedule, specifies where and when with release volumes based on lake levels. Will open review for next schedule next year for 2022. Corps will defer to district at lower lake levels. At high end, Corps takes input but are final arbiter. *Mullins:* Future meeting. *Brown:* Next meeting? *Wessel:* Glad to do it.

- **ACTION:** *Schedule panel presentation with Wessel.*

Code: *Mintz:* Research phase of code review, Max Forgey is working on 31 issues. Will have something before November meeting, covers 31 issues, outline in short form current regulations. look at options

from other jurisdictions. Panel will have opportunity to review issues with community, decide which we do more work on, cross out or research further. Winnow it down to priority for Captiva. Summary to everyone on panel. Contract with Depew outline which areas of current plan need to be bulletproof with additions or amendments, density or intensity. Prior to November: Forgey research and Depew suggestions. Request to Lee County Commissioner John Manning for \$35,000 to work on code provisions. Spoke with his office, taken our request in process. Sitting with staff to review.

- **ACTION:** *Follow up with Forgey and Depew on status.*

Wastewater: *Brown:* Recap of last meeting, summary of TKW draft at that time. Final draft received approved by county. Disappointed that there's not a lot of change from draft. Discussion. Hoping that study would develop all info community might need to make determination on future wastewater strategy. Valuable contribution to understanding, but does not contain everything community needs to make an informed judgment. Specific areas: Environmental consequences of status quo vs. sewer. sewer right thing to do, but no tangible benefits to point to or consequences. *Miville:* Committee recommendation critical factor. Impact of SLR most important. *Brown:* First is environmental aspects, hope to work with SCCF and James Evans to develop understanding. Discussion of rationale. impact of sea level rise (SLR), cited in study but what are consequences, do more work beyond that. Impact on existing septic systems. Next area: Regulating existing systems. Nothing in place on regulations for existing systems, performance systems only. *Lanigan:* May be more than enough. *Brown:* Did some research. County says no regulation of existing system is possible, we found other counties that do regulate existing convention systems. Fourth area: Cost estimates of central sewer system, translate what it means to property owners. Have done my own estimates based on current costs and conditions. Approx. \$3,500 a year or 20 years for each property owner. Understand that any program would be expensive, not just what TKW has outlined. Do this additional research, community needs to consider if it wants to take on costs. Also is there any outside funding assistance available. Proposal to panel is to take the position to do additional work on these four areas before making a recommendation to community on best long-term strategy. Post final study along with my summary on panel website so people can read it for themselves.

Boris: Finally read TKW report, leaves a lot of things open but is a wonderful baseline, worthwhile, take time to study it. Summary totally appropriate, encourage people to study total report. *Brown:* Email people when items are posted, encourage them to read. *Jensen:* SLR, all three options affected negatively by SLR. *Brown:* Central system much more defensible than individual septic systems including performance systems. *Mullins:* Simple poll, recycling question. Does any individual recycling make a difference? People say that given conditions with lake and Gulf, why should we bother? We need to act individually to make a difference. Look at NRDC to see what else you can do now to reduce your contribution to the problem. Certainly could not hurt to control it. *Brown:* Maybe cannot get a better handle on SLR and environmental benefit than what is in the report now? May comes down to a personal willingness to do the right thing. *Lanigan:* Is this the best way to spend \$3,500 a year for 20 years? Incumbent on us to inform people and let them make a decision. Discussion on cost estimates. *Miville:* Aside altruistic perspective, if my kids have property in 25 years it may be useless if water table rises. I'm thinking selfishly.

Riegert: Look at places such as Fort Myers Beach, still overflowing legacy nutrients that will run off into estuaries. Can panel take any action on fertilizer use on island? *Brookes:* Legislature repealed mandatory

inspections, every five years. Preempted local governments to take on inspections. Limited life for most systems. Remove bacteria but not nutrients and phosphorus. Discussion. *Brookes*: Yankeetown rules, got higher standards on only two houses before system ran into trouble. Systems failed, required electricity to run a problem in storm. Gap between tanks and water table needs to be 24 inches. *Mullins*: Explanation of *Brookes*' background. *Kelly*: Have county report, analysis. Where does that leave us? Still open to a number of different things. Not a lot of people will read posted materials. Need a meeting to engage people. More information on SLR. Captiva specific information needed. *Brown*: Next steps are TKW present its report in November. Work on additional information on SLR and environmental aspects, review all that information and decide if we know enough. Present to community and gauge what they want to do. *Kelly*: Do we have an outline of what we need to do before we hold a community meeting? Need to engage them more than on a website. *Mintz*: TKW will hold meeting in late November, just to lay out their report. That would also inform committee as to what questions community will have regarding this issue. *Riegert*: NOAA has SLR information. *Miville*: Include timeline in motion, we need a critical path. *Brown*: Not prepared to put forth a timeline right now. *Mullins*: Let's follow Jay's lead. *Brown*: Motion to post TKW study on website along with summary offered today (Miville/Walter). *Jensen*: SLR impact on performance systems. *Brown*: Will check study. Unanimous approval.

- **ACTION:** *Post reports on websites. Follow up on research items.*

Development: No update

Communications: *Mullins*: Website up, looking for feedback, Gooderham to update. Post studies ASAP.

Captiva Drive: *Mintz*: In touch with DOT, utilities can be moved, county wants to move forward with an engineering project, to engineer sidewalk as we envision it. Recommended Johnson Engineering. Our plan is simple, need to meet with DOT to see how we can pay for this project. Once plans are done, County Lands determines how much land is needed from adjacent properties. Then create a right of way to ask for easement needed for sidewalk. County will maintain it once it is built. Best way to do engineering they want. Why they need a complex engineering study on this? Need to be there to pursue.

Taxation: *Mullins*: Submitted draft estimate of taxes paid to county. No feedback, need independent calculations to determine if this is correct. Will submit final report in September after districts have settled their final number. Hope to have final figures for October meeting. Missing what we pay in bed taxes on rentals, explanation of pursuit of this figure. Good estimate of bed tax, everything else will be exact figures. Paying more than \$20 million in aggregate to the county, we want to have a sense of here's what we're paying and what are we getting back. Discussion. *Brown*: Not just fairness, need to protect island as a revenue source. *Mullins*: Municipal Services Taxing Unit (MSTU) tax for all unincorporated areas of the county, to defray cost of providing services to unincorporated areas. Supposed to be accumulating those funds, we should be able to get a more exact figure on that. A lot of arguments to be made, want to express those and create message on how to communicate to county. *Boris*: Post final report on website as well. *Jensen*: Provide countywide numbers as well? *Mullins*: It's possible to do that. *Brown*: What percentage of county tax revenues are we? *Walter*: SSIR was 10% of TDC budget at some point. *Mullins*: Need to work on community support and a strategy on bed tax. *Walter*: They'll come back with "what have we turned down that you all asked for?" *Mullins*: Damon Grant can be a resource for us with his MSTU background. In the past we've asked the TDC for funding. CEPD asks for TDC funding even mid-year, there's more that we could pursue.

Brown: Planned to have Gooderham talk about septic regulations during my report, do you want an update? *Gooderham:* It was suggested that other counties have been able to achieve that, so I contacted Dept. of Health officials in Tallahassee, Charlotte County and Lake County. They have all developed regulatory regimes for existing septic systems in a defined area, usually tied to a permit or some other triggering event. In Charlotte, it was a condition of a DEP permit to remove a weir and lock, specified the properties to be inspected every five years and allowed others to be added if they met certain criteria. They do not do any monitoring and run it mostly on the honor system through licensed contractors. Lake County, it was tied to the Green Swamp protected area, focusing on properties within that defined area; Polk County has a similar program for their portions of the swamp. Common theme of have a triggering device to start the process, then to work through the DOH on agreement to monitor, then go to the county commission to pass an ordinance authorizing DOH personnel and contractors to inspect and monitor existing systems. No monitoring, even though they think it's a good idea. Work pretty well once in place, not many problems but finding things before they are an issue. Does not deal with nutrients or SLR issue, but helps to assure that unpermitted systems are at least functional. *Brown:* Other steps to develop information? *Gooderham:* Now talk to local DOH, get their buy-in. *Brookes:* Find a triggering event to cause inspections. *Gooderham:* Not, once you have a trigger and establish a system, inspections take place every five years automatically. *Brown:* Trigger is systems in an environment that's not conducive to them. *Gooderham:* Better trigger is what's happening right now – red tide and blue-green algae. Another option is what are called state established basin management plans, ones exist for the Caloosahatchee and Charlotte Harbor. Through these you can establish what is called a Total Daily Maximum Load (TDML) standard for the amount of nutrients and pollution allowed to be introduced into the waters of the basin. Protect the nearshore waters in the aquatic preserve and the Gulf. *Mullins:* We would do what? *Gooderham:* Precedent is to enable five year inspections of existing septic systems, done in good faith, work with contractors to track inspections. *Walter:* Role of DOH on action. *Gooderham:* Have to determine, other regimes were done tied to specific lands and pollution concerns, not property sales. *Mullins:* You believe a regime could be established. *Gooderham:* It has been done elsewhere, but the key is support from the Dept. of Health. *Brown:* Community has to want it. Does not address nutrient release and SLR, just a method to confirm that current systems are functioning. *Gooderham:* Not a solution, but a way to look into issues while pursuing other options. *Riegert:* Trigger a public health issue? Toxins associated with algae blooms? *Gooderham:* What does DOH view as a triggering event, get in their comfort zone. Discussion of inspection costs. *Miville:* Company can say you have been trained, you can do your own inspections for performance systems.

Financial: *Gooderham:* Summary in meeting handouts, financially in good shape.

New business: *Mullins:* Tri this weekend, and the next CEPD meeting is Sept. at South Seas in Cone Rooms, followed by the 5:01 p.m. budget hearing. Referendum on next restoration project next March, planning some town meetings. Also concerned with SLR. Next year meeting will be held on the Monday before the panel meeting.

The meeting adjourned at 10:45 a.m.

-- *Ken Gooderham, administrator*