

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
JUNE 17, 2010**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **June 17, 2010** at the Southwest Florida Regional Planning Council - 1<sup>st</sup> Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of Chairman Denham, **Vice Chair Charles Kiestler** called the meeting to order at **9:01 a.m.** **Councilman Ernie Zavodnyik** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

**Charlotte County:** Councilman Don McCormick, Commissioner Tricia Duffy, Commissioner Robert Skidmore

**Collier County:** Councilman Charles Kiestler, Commissioner Frank Halas, Commissioner Jim Coletta

**Glades County:** Commissioner Kenneth “Butch” Jones, Commissioner Paul Beck

**Hendry County:** Commissioner Karson Turner, Mayor Paul Puletti

**Lee County:** Commissioner Ray Judah, Commissioner Tammy Hall, Mr. Paul Pass, Councilman John Spear, Councilman Forrest Banks, Councilman Tom Babcock, Mayor John Sullivan, Ms. Laura Holquist

**Sarasota County:** Commissioner Jon Thaxton, Councilman Ernie Zavodnyik, Commissioner Tom Jones, Mr. George Mazzarantani

**Ex-Officio Members:** Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD

**MEMBERS ABSENT**

**Charlotte County:** Mr. Alan LeBeau, Ms. Andrea Messina

**Collier County:** Mr. Bob Mulhere, Councilwoman Teresa Heitmann

**Glades County:** Dr. Edward Elkowitz, Councilman Michael Brantley

**Hendry County:** Commissioner Tristan Chapman, Mr. Melvin Karau, Mayor Mali Channess

**Lee County:** Councilman Mick Denham

**Sarasota County:** Commissioner Carolyn Mason, Mr. David Farley

**Ex-Officio Membership:** Mr. Johnny Limbaugh - FDOT, Ms. Tammie Nemecek - EDC of Collier County

## **INTRODUCTIONS**

Vice Chair Kiester announced that Chair Denham had requested that he Chair today's meeting. He then introduced the following guests: Ms. Diana McGee, US Senator Nelson's Office; Ms. Sarah Hines, US Senator George LeMieux Office; and Mr. Matt Spielman, Congressman Connie Mack Office.

### **AGENDA ITEM #1 AGENDA**

Commissioner Halas moved and Mr. Mazzarantani seconded to approve the agenda as presented. The motion carried unanimously.

### **AGENDA ITEM #2 MINUTES OF MAY 20, 2010**

Commissioner Judah moved and Commissioner Halas seconded to approve the minutes of May 20, 2010 as presented. The motion carried unanimously.

### **AGENDA ITEM #3 CONSENT AGENDA**

Commissioner Thaxton pulled Consent Agenda Item #3(e) - Villages of Lakewood Ranch South - Development Order Review.

Commissioner Judah moved and Commissioner Hall seconded to approve the balance of the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for May 31, 2010 & Grant Activity Status Sheets; Agenda Item #3(c) Glades/Hendry Minor TDSP Update; Agenda Item #3(d) City of Moore Haven Comprehensive Plan Amendments (DCA 10-ER1); Agenda Item #3(f) FL Emergency Planning & Community Right-To-Know Act (EPCRA Title III) Contractual Agreement; and Agenda Item #3(g) North Port Gardens DRI - Sufficiency Response Extension Request. The motion carried unanimously.

### **CONSENT AGENDA ITEM #3(e) Villages of Lakewood Ranch South - Development Order Review**

Commissioner Thaxton stated that he pulled the item so he could go on record as voting in opposition of the item.

Commissioner Halas asked Commissioner Thaxton why he was opposed to the project. Commissioner Thaxton explained that there were certain elements of the development which he did not approve of at the local level and they are mostly local concerns and they probably won't rise to a regional significance.

Commissioner Judah asked what staff's position is on Commissioner Thaxton's concerns on whether or not they are a regional or local issue. Commissioner Thaxton explained that one of the issues involves a local road that is two lanes versus four lanes and the other issue deals with some open space allocations that are mitigated with some land use management policy changes; and then there was a third element that he doesn't recall at the moment.

**Commissioner Skidmore moved and Ms. Holquist seconded to approve Consent Agenda Item #3(e) Villages of Lakewood Ranch South - Development Order Review as presented. The motion carried with Commissioner Thaxton opposed.**

#### **AGENDA ITEM #4(b)**

#### **US Coast Guard Response on the Deepwater Horizon Oil Spill - Captain Timothy Close, US Coast Guard - St. Petersburg**

Mr. Iglehart gave a brief overview of the oil spill response process and then introduced Captain Timothy Close.

Captain Close gave an update on the Deepwater Horizon oil spill from the site of the oil spill to the west coast of Florida.

Commissioner Halas asked what is the prognosis for the underwater plumes that have been found by the various research vessels and how does that constitute to what is happening below the surface of the gulf. Captain Close explained that NOAA came out with the report in conjunction with USF discussing the sub-sea samples, what got glossed over within the report were a couple of key things. One of which was all of the water samples that they took, none of them had visible oil in them. It was all oil at the microscopic and the parts per million or parts per billion realm and it was very dispersed, which is any indication that the dispersants that are being used are doing what was expected. The plume that was being referred to was not a big thick black underwater cloud, but just the edge of where they think where they were able to measure no oil versus some oil at a parts per million or parts per billion in level.

Commissioner Judah expressed his concerns on the long term effects of the dispersants on the marine life. Captain Close explained that a large percentage of the oil is coming up through the pipes that are currently connected. The primary goal is to not have to use anything else on the oil, but just bring it up, under control, to the surface. The dispersant that is being used has long since been pre-approved by the Regional Response Team, which is federal and state agencies (EPA, Department of Interior, US Coast Guard, States of Louisiana, Texas, Mississippi, Alabama, and Florida). He believes that this particular dispersant disintegrates itself over approximately 30 days in the water and it has been shown that there are no long term lasting impacts. There are legitimate concerns about the quantity of dispersant being used and what the short and long term effect is on sea life. Clearly, we are in the lesser of two evil modes and he feels that everybody that

deals with the dispersant will state that cleaning the oil on the surface is problematic, they are doing a lot of work with burning and skimming, but it is weather dependent.

Commissioner Judah asked why super tankers are not being used. Captain Close explained that is because the skimmers are doing the job of what the super tankers can do.

Mr. Pass asked since we have just entered into the 2010 Hurricane Season, how much a tropical storm or a hurricane will affect the cleanup operation in the gulf. Captain Close explained that all of the skimming operations and drilling vessels will head into port for safety. The other part of the answer is how big the hurricane is, what path it is going to take, to the east or the west of the spill site, and the strength of the hurricane, will make a big difference.

Mr. Mazzarantani asked for Captain Close to speak on the Jones Act which only allows certain countries in with their skimmers. Some countries, Dutch skimmers and Middle East skimmers are not allowed. Captain Close explained that he is not aware that the Jones Act has been an issue in this incident. There has not been one request to waive the Jones Act with this incident so far.

Mayor Sullivan asked should it become evident that a certain area on the west coast of Florida will become polluted from the oil spill, how much advance notice we will receive in order to get equipment and the proper personnel in position to control the amount of damage. Captain Close explained to recognize the “we” as being both the U.S. Coast Guard and local governments; he explained that the oil is being tracked on a daily basis and if the oil comes to the west coast of Florida there will be plenty of notice (4-5 days notice), the oil does not move at 40 mph, it moves with the wind and current.

Commissioner Duffy asked if it would be feasible to close off the harbors (i.e. Charlotte Harbor or Tampa Bay) with boom. Captain Close explained that is it not feasible to close off large harbors with boom. If we were to shut down the entrance to Tampa Bay there would be a lot of commercial implications, also there is only 3-4 days of gasoline stored to cover most of the west coast of Florida and including Orlando. The physical aspect is that large openings are very hard to boom because the boom has to be anchored. He then said that in the same aspect, Charlotte Harbor would be very difficult to boom.

Ms. Holquist asked about the relationship between BP, local governments, US Coast Guard, and the federal government. Captain Close explained that the federal law which talks about oil spill response, where some of it goes back to the 1990 Oil Pollution Act, it replaced a much more convoluted system prior to that where it sets up a command system involving a federal on-scene coordinator, state on-scene coordinator and the responsible party. The focus is that the responsible party is to pay for cleanup of their spill and that applies to whether it is an oil or chemical spill. The US Coast Guard’s laboratory in Connecticut can compare oil samples to determine which company is responsible for any particular oil spill.

Councilman McCormick asked if a hurricane approaches should the west coast (i.e. Punta Gorda) be concerned with what could happen with the oil spill. Captain Close explained that with a hurricane you don’t know what it is going to do with the seas; however, at this time he wouldn’t be too concerned about a light sheen of oil entering the waterways.

Commissioner Judah asked about the possibility of using explosives to collapse the shafts to stop the flow of oil, because it can certainly be done in the bedrock of the subsurface of the seabed. He then asked if there have been any discussions about using such a method. Captain Close explained that there have been discussions and the answers have always been the same, “for this incident it is not a good option.” He explained that when you talking about a mile deep underwater and then a well that is probably another mile deep into the sub straight it becomes much more problematic. Also, atmospheric pressure a mile deep in the ocean is in the vicinity of 2,200 pounds per square inch.

Commissioner Tom Jones asked how far off-shore is the fishing ban. Captain Close replied that he believes that the 33% represents 90-100 miles off-shore.

Commissioner Beck asked if BP has installed a flow meter to get a more accurate count of how much oil is being released. He also asked if anyone knew how much additional oil is being released after the top hat had been installed. Captain Close stated that he does not know how much additional oil is being released after the top hat had been installed other than what is being contained and measured. That just goes back to the difficulty of coming up with an exact number of what is being released. To answer the first question, he doesn’t believe that there has been a flow meter installed, it is extremely difficult to obtain an accurate flow measurement and he also noted that there is a lot of gas being released.

Councilman Babcock expressed his concerns about local governments having to compete between each other when needed for resources. Captain Close explained that this incident falls under the National Contingency Plan which puts the unified command of state, federal and responsible party in charge of the actual cleanup. Our outreach with the state has been to the county’s emergency managers to bring them in. There is going to be a lot of work needed at the county level related to organizing volunteers, helping to organize pre-impact shoreline cleanup activities just prior to impact, etc.

Mr. Mazzarantani explained the tourism impacts that the oil spill has had on Florida. Captain Close stated that the threat is low for the oil to reach the west coast of Florida. It started out as being low from the beginning and it stills remains low.

Commissioner Thaxton stated that we are the Chamber of Commerce and it is partially our own fault for problems that we are currently facing with what is happening with the reduction in tourism from the result of the oil spill. Between the media and our own local governments, we are the ones that scared away the tourists from our beaches.

Ms. Holquist asked about the wildlife impacts. Captain Close explained that the US Coast Guard doesn’t do wildlife cleanup, but they are involved with the coordination. The US Coast Guard is working with the state biology research people and also the already existing state wildlife organizations. He explained that BP is paying all of the expenses.

### Public Comments

A gentleman of the audience asked what percentage of tar balls are found on the water’s surface, because he was under the understanding the most of the tar balls are found in the subsurface, so

how effective would the booms be. Captain Close explained that he has been told by the experts that the tar balls are going to float and there is a chance that when they get into the surf zone where the waves are breaking and they are driven down into the sand that they will pick up some sand and over time they will get heavier and won't float anymore, then there is a possibility currents might move them along the bottom.

Mr. Ed McCrane, Sarasota County Emergency Management explained how their experience to date was working with the Coast Guard has been positive and that appropriate coordination was taking place. He also explained how important it is to work with the individual county emergency managers.

**AGENDA ITEM #4(a)**  
**FDEP's Oil Spill Update - Mr. Jon Iglehart, FDEP**

Mr. Iglehart gave the website [www.floridadisaster.org/gator](http://www.floridadisaster.org/gator) which is real time information about anything that gets called in about the Deepwater Horizon oil spill.

Councilman Zavodnyik asked for a report on the impacts of both marine and wildlife in regards to the oil spill. Mr. Iglehart explained that the fishing boundaries were changed, but reopened 339 square miles of Florida fishing. The impacts to wildlife, they are looking at more of the impacts to fish than the sessile organisms.

Ms. Holquist asked if there have been a lot of reports of wildlife kills. Mr. Iglehart replied no, there haven't been many reports of wildlife kills to date. The reported wildlife deaths have been primarily birds and mammals in Louisiana and early on there were reports of sea turtles washing ashore.

Mr. Iglehart stated that DEP is pushing to have BP set up a local claim office for filing claims and issuing reimbursements. He asked that everyone speak with their local emergency manager to participate on those conference calls to get the claim centers down the west coast.

Commissioner Thaxton noted that the location of the oil spill is in critical spawning grounds for fin fish species and organisms and we have no idea what the concentrations of oil or dispersants will cause in disruption in the reproductive cycles of those species. We may not see the impacts from this particular oil spill until five years from now.

Commissioner Thaxton encouraged everyone to send a letter to the Governor's Office because the state is receiving millions of dollars to shore-up the tourism industry for the State of Florida and that money should not be spent at the state level. Most of the money should be channeled down to the local Tourist Development Councils who have the knowledge of where the tourists are coming from.

Commissioner Hall stated that Lee County has already contacted the Governor's Office on that issue.

## **OTHER BUSINESS**

**Commissioner Halas moved and Ms. Holquist seconded to cancel both the July and August SWFRPC Board Meetings. The motion carried unanimously.**

### **AGENDA ITEM #4(c) LEPC Training Overview - Mr. John Gibbons**

Mr. Gibbons gave a verbal overview of the training exercise that was conducted on May 24-26.

### **AGENDA ITEM #4(d) Other Regional Issues - Mr. David Hutchinson**

Mr. Hutchinson reviewed the item as presented.

### **AGENDA ITEM #5(a) Lower West Coast Watersheds Implementation Committee - Mr. James Beaver**

Mr. Beaver reviewed the item as presented.

Ms. Holquist asked about the releases from Lake Okeechobee and when are they going to stop. Mr. Flood explained that he would have to defer that question to the Corps of Engineers, but the lake's levels are very high and there has been a lot of rainfall this season within the basin, so there is an excessive amount of water that is coming down through the watershed. Mr. Beaver stated that he hasn't heard of any proposals to stop the process until the lake hits the target level that they have received. Of course all of this is predicated on the predictions of what is going to happen over our rainy season and the expectations of what the lake will do.

Commissioner Thaxton stated that he had just written a letter to the Dean because it appears that IFAS appears to be holding back some critical data that needs to be taken into account when they are doing this rule writing on the proposed language for the State-wide Fertilizer Model Ordinance. So if he doesn't get any success as an individual or as a county commissioner, he plans on coming back and request the Council to review the issue and possibly send a letter, because there is no reason why this data should not be available to the public and available for others scientists and officials to review; because we think that it speaks against this weakening of the rule and it certainly appears that they are intentionally holding it back until after the rule-making is completed. Mr. Beaver stated that he is familiar with the "train" of activity and there is also one document that is being used a lot by IFAS, called the "Unintended Effects" document, which essentially is an opinion paper, but there is no scientific documentation to support those opinions.

**AGENDA ITEM #6  
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #7  
DIRECTOR'S COMMENTS**

Mr. Hutchinson noted that within Mr. Heatherington's presentation, which he is giving in Cleveland, he did include putting on the "tourism hat" and making sure that the people understood that the only oil on our beaches is suntan oil.

**AGENDA ITEM #8  
STATE AGENCIES COMMENTS/REPORTS**

No state agency comments were made at this time.

**AGENDA ITEM #9  
COUNCIL ATTORNEY'S COMMENTS**

Counsel Donley announced that both the Charlotte Harbor National Estuary Program and the Sarasota Bay National Estuary Program have been coordinating with EPA and the Council on environmental quality to identify projects within our region that could do restoration work for estuarine habitat to both accommodate displaced wildlife and to re-establish habitat down here for wildlife, for both migratory birds and estuarine species.

**AGENDA ITEM #10  
COUNCILMEMBERS' COMMENTS**

Commissioner Thaxton stated that DEP did a good job on the Numeric Nutrient discussion. He felt that they held their own and protected Florida from EPA's heavy hand.

Mr. Mazzarantani also thanked DEP for bringing Captain Close and the US Coast Guard to the Council today and for all of their efforts during the Deepwater Horizon oil spill. He stated that he agrees with Commissioner Thaxton that we have created the monster, but the monster is also us (i.e., national media) and it exists today.

Vice Chair Kiester announced that the City of Marco Island was fortunate enough to get out from underneath any fines related to the release of asbestos as a result of the improvements to Collier Boulevard.

**AGENDA ITEM #11  
ADJOURN**

The meeting adjourned at 10:55 a.m.

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Commissioner Karson Turner, Secretary

The meeting was duly advertised in the May 28, 2010 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 36, Number 21.