INITIAL STAKEHOLDERS CHARTERING MEETING

Marathon Government Center
October 24, 2006 ❖ 9:30 – 12:00

Presentation Team

- **Fred Calder,** Environmental Administrator, FDEP
- **Pat Fricano,** TMDL Basin Coordinator, FDEP
- **Scott McClelland,** CDM
- **Steve Lienhart,** URS

Agenda

- Welcome
- Mission and Objectives
- Florida Keys RAD Overview
- Technical Working Group
- Initial Working Schedule
- Information Requests
- Action Items

The TMDL Program and Reasonable Assurance

- Snapshot of TMDL Program
- Importance of Your Involvement & Help
- What Reasonable Assurance Means and Where It Fits into the TMDL Program

Total Maximum Daily Loads

- Section 303 (D) FCWA
- States List Impaired Waters
- Develop TMDL = WLA + LA + MOS
- Implementation Plan

TMDL - maximum amount of pollutant loading that can be discharged to a healthy water body

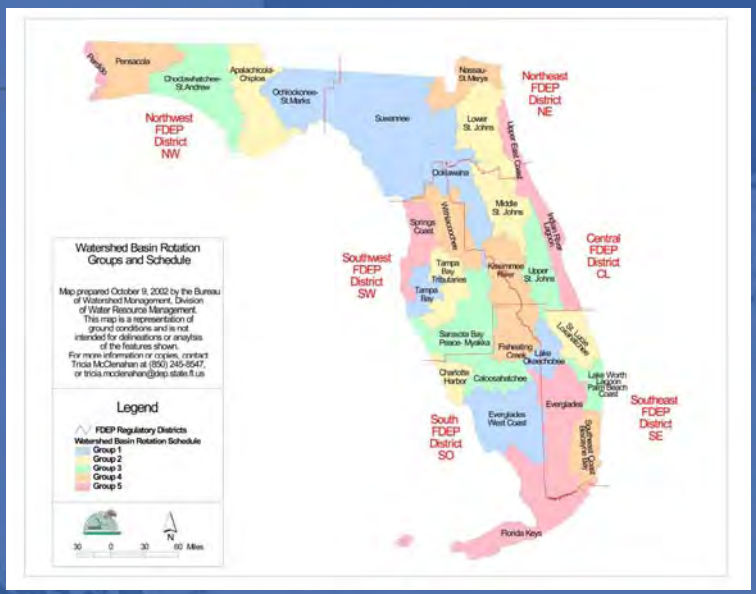
Florida Watershed Restoration Act Section 403.067, F.S.

- Enacted In 1999, Amended In 2005
- Gives DEP Legal Authority For TMDLs
- Requires "Good Science" - DEP To Adopt Methodology For Determining Impaired Waters = Impaired Waters Rule (62-303, FAC)

Florida Watershed Restoration Act Section 403.067, F.S.

- Requires "Public Participation"
  - 303(d) Lists Are Adopted By FDEP Secretary
  - TMDLs Are Adopted By Rule
  - BMAPs Are Adopted By Rule

Good Science + Public Participation = Good TMDLs



The Watershed Approach

- Divide watersheds into groups
- Rotate among groups over 5 years
- Five phases of basin cycle
  - Phase 1 - Preliminary basin evaluation
    - ✓ Products: Status report, planning list, monitoring plan
  - Phase 2 - Coordinated basin monitoring
    - ✓ Products: Assessment report, verified list
  - Phase 3 - Data analysis & TMDL Development
  - Phase 4 - Basin Mgmt Action Plan Development
  - Phase 5 - Implementation

Basis for Nine-year First Cycle

Year/ Group	2000	2001	2002	2003	2004	2005	2006	2007	2008
Group 1	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 1	Phase 2	Phase 3	Phase 4
Group 2		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 1	Phase 2	Phase 3
Group 3			Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 1	Phase 2
Group 4				Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 1
Group 5					Phase 1	Phase 2	Phase 3	Phase 4	Phase 5

Reasonable Assurance:
Where It Fits In TMDL Program

In first two phases of the cycle, stakeholders may submit documentation for review by FDEP (and EPA) that existing or proposed pollution control mechanisms are sufficient to attain water quality standards in a water segment without establishing a TMDL.

Reasonable Assurance:
What It Means in the TMDL Program

- If FDEP determines the water body's designated uses will be restored in the future and the water body will make reasonable progress towards attainment, the water is not placed on the verified list for TMDL adoption.
- FDEP documents the basis for its decision, noting proposed pollution control mechanisms and expected improvements in water quality.
- EPA reviews and accepts documentation.

Reasonable Assurance Recognizes Local Actions

- Reasonable Assurance Can Confirm Your Efforts and the Investments Made to Protect Water Quality.
- Stakeholder Involvement is the Most Important Part of Establishing Reasonable Assurance.

Your Information & Contacts Are Essential in Helping:

- Confirm Existing & Proposed Pollutant Reduction and Prevention Actions
- Secure Broader Stakeholder Support
- Connect with Local Expertise and Experience

The Real Mission of RA

We will have a mission statement for the Working Group, but the real mission of Reasonable Assurance is confirming your efforts!

RA Technical Working Group Draft Mission Statement

The mission of the Florida Keys Reasonable Assurance Documentation (FKRAD) Program's Technical Working Group is to obtain information on existing and pending stakeholder programs required to describe and document regional water quality management actions that will provide reasonable assurance that existing programs will meet identified local goals for restoring nutrient impaired waterbodies

Working Group Goals

1. Define guiding principles to be adopted by stakeholders for achieving the mission
2. Identify **nutrient** impaired waterbodies and the cause(s) of their impairments
3. Document existing and pending stakeholder programs for reducing anthropogenic impacts in receiving waterbodies
4. Identify local and regional water quality targets and aquatic ecological goals
5. Describe local and regional management actions being undertaken to achieve nutrient load reductions in the impaired waterbodies

Working Group Goals (continued)

6. Identify procedures for monitoring and reporting the results of the management actions
7. Describe proposed corrective actions
8. Gather local information and data required to fill key knowledge gaps
9. Identify the necessary education, outreach and implementation measures for moving the impaired waterbodies toward meeting regional goals and achieving FDEP water quality standards
10. Assist in securing participation of all interested groups, individuals and agencies and involving the public throughout the process

Contact Info

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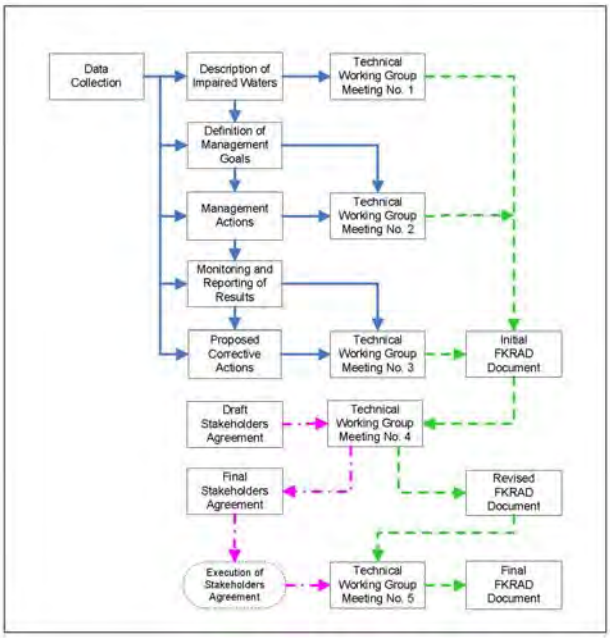
FKRAD Process Overview

- One Focus
  - Demonstrating Reasonable Assurance to Avoid TMDL and BMAP Development
- Three Action Areas
  - Data Acquisition
  - Investigation and Assessment
  - Preparation of the FKRAD Documents
- Two Commitments
  - Stakeholders Commit to Continue their Management Programs Related to Achieving Nutrient Reductions
  - FDEP commits to assist stakeholders in presenting the FKRAD Program and Stakeholders Agreement to their governing boards

FKRAD Process Overview



Step 1: Collection of Available Data and Programs

- Obtain Federal, State, Regional, and Local Data on Programs & Activities
- Describe Impaired Waters
- Describe Management Goals

Step 2: Define Programs and Actions to Achieve Goals

- Identify Programs and Actions That Address Goals
- Identify Potential Pollution Reductions Achieved Through Completion of Programs and Actions
- Estimate Time Frame for Achieving Water Quality Targets

Step 3: Define Programs to Monitor Program and Activities

- Identify Programs to Monitor Effectiveness of Programs and Activities
- Identify Reporting Mechanisms

Step 4: Define Potential Corrective Actions

- Identify Potential Actions If Monitoring Shows Program Or Activity Not Achieving Goals

Step 5: Prepare the FKRAD Documents

- Prepare Draft Document for Stakeholder Review
- Distribute for Review and Comment
  - Keys Stakeholders
  - Federal, State and Regional Agencies
  - Interested Parties
- Finalize FKRAD Report
- Submit for Review
  - FDEP
  - USEPA

Step 6: Draft and Finalize the Stakeholders Agreement

- Prepare the *Draft* Stakeholders Agreement
  - Formalizes Stakeholders Commitments to Continue Their Current and Pending Management Programs and Activities
  - Review by Legal Departments
  - Review by Stakeholder Officials
- Prepare *Final* Stakeholders Agreement
- Execute Stakeholders Agreement

Step 7: Finalize the Draft FKRAD Document

- Obtain Appropriate Signatures for Stakeholders Agreement
- Combine Report and Signed Agreement

Step 8: Submit the FKRAD Document

- Submit Document for Review
  - FDEP
  - USEPA
- Address Comments Received
- Resubmit FKRAD Report

Impaired Waters in the Florida Keys

Lower

Middle

Upper

Determining Water Quality Through The Impaired Surface Waters Rule

- Identify Florida Keys Water Segments
- Assess Selected Island Water Body Segments
- Incorporate Historical Information

Stakeholders and Technical Working Group

- All are Invited to the Technical Working Group Meetings
  - Signing Agencies
  - Regulatory Agencies
  - Programs
  - Interested Parties
- All Are Encouraged to Contribute
- Stakeholders Affirm the Decisions

Technical Working Group

- **Structure**
  - Representatives of Signing Group
  - Technical Contributors
- **Purposes**
  - Technical Focus
  - Identify Impairment Causes
  - Identify Water Quality Targets and Aquatic Ecological Goals
  - Identify Programs/Activities
  - Identify Monitoring/Reporting Activities
  - Prepare Potential Corrective Actions
  - Identify Specific Stakeholder Commitments

Who is a Stakeholder?

- **Entity That:**
  - Has Regulatory Obligations to Act
  - Is Providing Staff and Fiscal Resources For FKRAD Identified Management Actions

Technical Working Group

Potential Signatories

- City of Key Colony Beach *
- City of Key West *
- City of Layton
- City of Marathon *
- Florida Department of Transportation
- Florida Keys Aqueduct Authority *
- Monroe County *
- Monroe County Aviation Authority
- U. S. Navy – Boca Chica NAS
- Village of Islamorada *
- Key Largo Wastewater Treatment District *

*** Member of Steering Committee**

Technical Working Group

Agencies

- Florida Department of Health – Bureau of Onsite Sewage Programs *
- Florida Department of Community Affairs *
- Florida Department of Environmental Protection *
- Florida Fish & Wildlife Conservation Commission
- South Florida Water Management District *
- U.S. Army Corps of Engineers *
- U.S. Coast Guard
- U.S. Environmental Protection Agency - Region IV *
- NOAA Florida Keys National Marine Sanctuary *

*** Member of Steering Committee**

Technical Working Group

Agencies (continued)

- Everglades & Dry Tortugas National Parks *
- Florida Keys Environmental Fund *
- Florida Keys National Wildlife Refuges – USF&WS *
- NOAA Aerostat Facility

* Member of Steering Committee

Technical Working Group

Potential Interested Parties

- Earth Justice
- Florida Audubon Society
- Florida Institute of Oceanography
- Florida Keys Visitors and Convention Bureau
- Monroe County Commercial Fishermen *
- Reef Relief
- Sandra Walters Consultants, Inc. *
- Sierra Club
- South Florida Ecosystem Restoration Task Force – FIU *
- South Florida/Florida Keys Program – The Nature Conservancy *
- Thousand Friends of Florida
- World Wildlife Fund

* Member of Steering Committee

Initial Working Schedule

- **Technical Working Group Meetings**
  - Meeting 1: November 17, 2006
  - Meeting 2: December 13, 2006
  - Meeting 3: January 25, 2007
  - Meeting 4: February 22, 2007
  - Meeting 5: March 23, 2007
- **Stakeholders Agreement**
  - Release of Draft Agreement: Feb/Mar 2007
  - Distribution of Final Agreement: Mar/Apr 2007
  - Execution of the Final Agreement: Apr/May 2007
- **FKRAD Document**
  - Digital Release of Draft Document: Jan/Feb 2007
  - Digital Release of Final Document: Mar/Apr 2007
  - Distribution of Final Printed Document: Apr/May 2007

Florida Keys Reasonable Assurance Documentation

Information Request For Technical Working Group

- **Local Data to Fill Gaps**
  - Descriptions of Local Nutrient-Related Problems
  - Local Information on Impaired Waters
- **Existing and Pending Local Programs**
  - Water Quality Targets
  - Aquatic Ecological Goals
  - Programs and Management Actions
  - BMPs and Water Quality Capital Projects
  - Annual Regulatory, Enforcement and O&M Programs
  - Procedures for Monitoring and Reporting Results
  - Proposed Corrective Actions
- **Specific Information Needs Will Be Discussed at Each TWG Meeting**

Florida Keys Reasonable Assurance Documentation

Information Request
(continued)

- Identify issues that may impede nutrient management actions
- Any other information that supports that near shore waters are impaired

Information Request

First Technical Working Group Meeting

1. Descriptions of Local Nutrient Related Problems
   - Water Quality
   - Aquatic Ecology
2. Identification of Local Information on Impaired Waters that is not likely to be in FL-STORET database
3. Implemented and pending Water Quality Management actions
4. Background information on any local monitoring programs

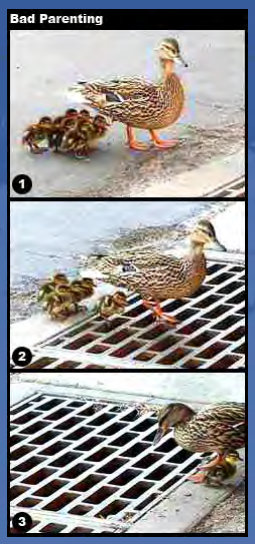
Action Items

1. Designate Technical Working Group Member
2. Update your calendars to include the key meeting and document release dates
3. Gather Data and Information for the First Technical Working Group Meeting

Next Meeting

- **Technical Working Group Meeting Number 1**
  - Date: November 17, 2008
  - Location: Marathon Government Center (*Tentatively*)
  - Time: 9:00 AM - 1:00 PM (*May Run Longer Depending on Participation*)
  - Focus:
    - Keys Water Quality Data
    - Use of Local Water Quality Data in FKRAD Assessments
    - Quantification of "Target" Conditions
    - Assessment of the Benefits of Implemented Programs
    - Initial Discussion of the purpose, form and content of the Stakeholders Agreement

Questions?



Florida Keys Reasonable Assurance Documentation