



Southwest FL Oyster Working Group
January 8, 2016 from 9:00 am to 12:00 noon
Laishley Park Community Room, 120 Laishley Ct, Punta Gorda, FL

Please **RSVP** for the meeting at: <http://doodle.com/poll/987tw5s49dw389ts>

Meeting Purpose: To begin the permitting, funding and partnership collaborations needed to implement the top (5-10) priority oyster restoration projects throughout the CHNEP estuaries to enhance the likelihood of successful restoration.

Attachments:

- KMZ file of Priority Oyster Restoration Sites & Rankings to be viewed with Google Earth:



OystRestMar2015.kmz

- Excel table of Priority Oyster Restoration Sites & Rankings developed by the Southwest FL Oyster Working Group (SWFOWG) Subcommittee.
- The CHNEP Oyster Habitat Restoration Plan is available on our CHNEP Water Atlas Website at: http://www.chnep.wateratlas.usf.edu/upload/documents/351_CHNEP-Oyster-Restoration-Plan-12Dec2012-lowres.pdf

Agenda - Revised

1. Welcome, Introductions & Meeting Purpose – Judy Ott, CHNEP
2. Update on Existing & Pending Oyster Restoration Projects – SWFOWG Partners
 - Punta Gorda Peace River Trabue Harborwalk – Andrea Graves & Laura Geselbracht, TNC
 - Sanibel Tarpon Bay – Eric Milbrandt, SCCF
 - Englewood Lemon Bay – Heather Stafford & Mindy Brown, FDEP Charlotte Harbor Aquatic Preserves
 - Volunteer Oyster Habitat Monitoring Coordinator Position & Activities – Jaime Boswell, CHNEP
 - Others
3. Update on Permitting – SWFOWG Partners & Regulatory Representatives
 - Concept & Value of Moving Forward with a Group Permit – Judy Ott, CHNEP & Anne Birch, TNC
 - FDEP Regulatory Considerations – Megan Mills & Patricia Clune, FDEP
 - NOAA Endangered Species Considerations – Nicole Bonine & Adam Drame, NOAA
 - US COE Considerations – Brianne McGuffie, USCOE
 - WCIND Considerations – Justine McBride, WCIND
4. Update on Funding Sources & Availability – SWFOWG Partners
 - RESTORE – Anne Birch, TNC
 - CHNEP – Liz Donley & Judy Ott, CHNEP
 - WCIND – Justin McBride, WCIND
 - Others
5. Partnership Projects & Tasks – SWFOWG Participants
6. Summary & Assignments – Judy Ott, CHNEP
7. Adjourn – Judy Ott, CHNEP

THIS MEETING IS OPEN TO THE PUBLIC

Two or more members of the Everglades West & Caloosahatchee Basin Working Groups, Peace River Basin Management Advisory Committee, Peace River Basin Management Working Group, or Southwest Florida Regional Planning Council may be in attendance, & may discuss matters that could come before the respective body.



Southwest FL Oyster Working Group
January 8, 2016 – Punta Gorda
DRAFT MEETING NOTES

Attendees:

Rebecca Flynn, FDEP
Eric Milbrandt, SCCF
Ray Leary, Sarasota County
Melynda Brown, FDEP
Mike Campbell, Lee County DNR
Joelle Richard, FGCU
Steve Geiger, FWC
Megan Mills, FDEP
Maria Merrill, FWC
Brianna McGuffie, USCOE (via WebEx)
Liz Donley, CHNEP

Stephanie Burkhardt, FWC
Andrea Graves, TNC
Kathy Meaux, Sarasota County
Lesli Haynes, Lee County DNR
Ford Walton, Consultant
Patricia Clune, FDEP
Cheryl Clark, FDEP
Jaime Boswell, CHNEP
Carter Henne, Sea and Shoreline
Adam Brame, NOAA NMFS (via WebEx)
Judy Ott, CHNEP

Attachments Provided at Meeting:

- KMZ file of Priority Oyster Restoration Sites and Rankings to be viewed with Google Earth:



OystRestMar2015.kmz

- Excel table of Priority Oyster Restoration Sites and Rankings.
- The CHNEP Oyster Habitat Restoration Plan is available via CHNEP Water Atlas Website.

1. Welcome, Introductions and Purpose of Science Forum – Judy Ott, CHNEP

Judy Ott called the SWFOWG to order at 9:00 am and participants introduced themselves.

Ms. Ott reviewed the purpose of the SWFOWG meeting: To begin the permitting, funding and partnership collaborations needed to implement the top (5-10) priority oyster restoration projects throughout the CHNEP estuaries to enhance the likelihood of successful restoration success.

2. Update on Existing and Pending Oyster Restoration Projects – SWFOWG Partners

A. Punta Gorda Peace River Trabue Harborwalk – Laura Geselbracht, TNC

- Trabue Harborwalk pilot project deployed during September and October 2015 in the Peace River in Punta Gorda.
- Deployed with a 20 foot, 2 foot draft pontoon boat.
- Methods include: mats, bags and loose shell outlined with bags.
- Monitoring will be conducted for birds (volunteers), inverts (Ford Walton), epifauna, water quality (volunteers) and SAV (FDEP Charlotte Harbor Aquatic Preserves).
- Monitoring will include pre- and post- restoration (after 6 months and 12 months).

B. Sanibel Tarpon Bay – Eric Milbrandt, SCCF

- Received FDEP award.
- Permit submitted in December 2014 and approved in November 2015, based on no impacts to sawfish or erosion.
- Methods are primarily loose shell: Tarpon Bay = 118,000 pounds, San Carlos Bay small = 78,000 pounds, San Carlos Bay large = 196,000 pounds.
- Large San Carlos Bay site has relic reef \pm 2 feet high.
- Environmental conditions vary by location; Tarpon Bay is good for oysters in wet years.
- Deployment included 20 events over 6 weeks with staff and volunteers by barge.
- Need 6 feet water depth for barge.
- Costs = \pm \$150/acre.



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- Permitted for general location for dry green shell.
- Signs not required by DEP for permit or funding.
- Needed to coordinate restoration with Ding Darling NWR.
- Will conduct as built surveys in 2016.
- Will conduct monitoring of restored reefs and control sites using Before/-After-Control-Response methods looking at density, settlement rate, chlorophyll, turbidity, velocity; upstream and downstream.
- Will measure update with 2 datasondes and current meter.
- Have permits for 2 additional acres through 2019, but need additional funding.
- Q: Did they use hydroblasting to off-load shell? No – it's not accurate enough; need to off-load by hand with buckets in shallow areas.
- Goal is to add more substrate vs. increase height.
- Q: What are advantages of using fossilized vs. green shell?
- Defined footprint with bags.
- Need to consider rules at public ramps for deployment.
- SCCF used loose shell from FL Shell and Stemic; TNC used loose shell from SMR Aggregates and Reef Innovations.
- Need to arrange trucking for shell; consider mined shell.

C. Englewood Lemon Bay –Mindy Brown, FDEP Charlotte Harbor Aquatic Preserves

- Considering another pilot restoration site in Lemon Bay with CHAPs partners from Trabue project and SWFOWG.
- Are 2 sites in Lemon Bay in Sarasota County – Indian Mound Park (near ramp) and Lemn Bay Nature Park (near unofficial anchorage).
- Sites in Lemon Bay have good access, good visibility, no sawfish, are within Aquatic Preserves.
- Have some bags and mats left over from Trabue project.
- Could move forward with permitting and implementation.

D. Volunteer Oyster Habitat Monitoring Coordinator Position and Activities – Jaime Boswell, CHNEP

- Jaime started in VOHM coordinator position January 4, 2016 and the grant support period is for January – November 2016.
- Purpose is to develop a Volunteer Oyster Habitat Monitoring program for Trabue that is transferable to other projects.
- Will include citizens partnering with scientists to help continue monitoring in the longer term.
- Volunteer water quality works good.
- Need good guidance for VOHM program that includes purpose and shares results.
- Will coordinate with Ford Walton and CHAPs to use similar monitoring methods and metrics; won't include inverts; may include spat, growth and SAV.
- Looking for ideas.
- Anticipate beginning monitoring in April after training volunteers.
- Q: How will monitoring be conducted so it won't disturb restoration? Trabue has trays on exterior part of reef so monitors won't have to walk on reef; epiphyte and infauna monitoring will require removing shell; could also use quadrats and observe via floating.
- Can use plates to capture spat; SCCF uses plates and SCCF uses shell strings; can take these back to the lab to clean and count.
- SCCR collects from small quadrats (.1 m or 1 m or 25 cm square).



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- Will develop an on-line data entry form on the CHNEP water Atlas.
- Q: will consistent monitoring throughout CHNEP? VOHM will be transferable; TNC uses universal metrics; if use students will need consistent advisor.
- Q: Who will do analysis of data from Water Atlas? May be able to have Water Atlas set up to produce graphics and tables from data, similar to existing water quality data tools.
- Q: How long with the monitoring last? 1 year, but 3 years would be better; TNC and CHNEP are looking for continuing funding.
- Q: Is CHNEP working towards a common oyster restoration monitoring database? One could be created through the Water Atlas.
- Q: Will other restoration organizations share their data? Some may wait until after data is published; CHNEP data is open to the public.
- Need to create a metadata database.
- Q: What about restoration dollars being used for data management? Funders generally look for metrics that are transferable; CHNEP could host 2 workshops per year for data exchange; there is value to looking at larger scale; RESTORE act reporting may fund databases.

3. Update on Permitting – SWFOWG Partners and Regulatory Representatives

A. Concept and Value of Moving Forward with a Group Permit – Judy Ott, CHNEP

B. FDEP Regulatory Considerations – Megan Mills and Patricia Clune, FDEP

Megan oversees permitting at FDEP South District in Fort Myers, including Sarasota to Monroe Counties.

- There are a variety of permit options.
- Q: Is there a General Permit for oyster restoration? Past oyster restoration projects were considered on a case by case basis in the past.
- There is a GP for low profile reefs < .25 acres, with regulatory criteria; the primary problem is the requirement of a 100 foot buffer between restoration and SAV; are considering revising the buffer requirement to 50 feet; as projects move forward, the permitting will get easier; GPs generally are approved in 30 days once all information is received.
- Could consider an environmental restoration Individual permit; would cost less and use the same criteria; would need to avoid negative impacts; could have an IP with a number of different sites in it with a 5 year construction window; could be phased and extended; could include identified construction periods; would need construction details; IPs are generally approved in 60 days once all information is received.
- Could develop a conceptual permit; broadly define the project then get specific construction permits; depends on the level of detail in the conceptual permit; would be valid for 10 years; construction permits under approved conceptual permit could be approved in 60 days once all information is received.
- Pay for a conceptual permit at the time of application.
- Conceptual permit would lock in regulatory criteria existing at the time of approval; would be a type of environmental resource Individual Permit; DEP doesn't use the term "long term permit".
- Q: What is the time limit from approval of a conceptual permit before construction begins? 1st construction permit must be applied for within 1 year.
- Q: Would an environmental resource concept require paying by the area?
- Pre application meetings are very important for both the state and federal permitting processes; could include all regulatory agencies in one pre-application meeting.
- Sarasota is a different COE regulatory office.



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- Need to include FDEP Aquatic Preserves, NOAA NMFS, FDEP ERP, and COE.
- Could be an environmental resource IP for \$250 for all sites.
- Conceptual permit could include multiple methodologies and sites and partners; could modify the permit.
- A conceptual permit and biological opinion would help with federal COE permit process.

C. NOAA Endangered Species Considerations – Nicole Bonine and Adam Drame, NOAA

- Adam Brame is the NOAA NMFS Smalltooth Sawfish coordinator.
- A large scale programmatic biological opinion could include a variety of techniques.
- A programmatic opinion would include a single consultation.
- Would take about 1 year to approve permit but once approved future applications could be reviewed within 2 weeks.
- Programmatic opinion would require total acres of restoration; and estimate of area to be expected over the number of years defined in the opinion; would include total of acres for priority sites (± 30 acres).
- Suggest requesting a programmatic opinion based on the Oyster Restoration Plan, long term estimates of sites and acres and range of methods.

D. US COE Considerations – Brianne McGuffie, USCOE

- COE has had previous discussions about oyster restoration with NOAA NMFS.
- Suggest initiating a programmatic opinion that would be good for 5 – 15 year estimates.
- Nationwide Permit #27 relates to unvegetated submerged lands.
- A Standard IP would be good for ± 10 years.
- Q: Does the COE have any protocols for developing an new biological opinion? The statewide programmatic biological opinion excludes sawfish; sawfish hotspots are located at mouth of Caloosahatchee River; can't remove unvegetated submerged lands in 0 – 3 feet of water; currently reviewing oyster restoration as it relates to the definition of filling sawfish habitat.
- If an application meets criteria, can consult with COE and respond in 10 days.
- COE and NOAA NMFS may address permit applications as part of a programmatic opinion.
- Sawfish habitat was considered as part of the Trabue restoration application; considered moving the project subtidal but it wouldn't have been as successful.

E. WCIND Considerations – Justine McBride, WCIND

- WCIND could be a permit holder.
- Projects couldn't be a risk to navigation.
- Would need to clearly define the area and methods.
- Q: what funding would be needed for the permit? \$250?
- Would need to develop the permit based on the Oyster Restoration Plan and priority site lists, with estimates of acres, sites, time.

4. Update on Funding Sources and Availability – SWFOWG Partners

A. RESTORE – Andrea Graves, TNC

- A region wide oyster restoration application was submitted for consideration for RESTORE “Bucket II” funding with partners including TNC, SCCF, FGCU.
- Included restoration projects, mapping and outreach in southwest Florida.
- Mapping included Tampa Bay and Charlotte Harbor; Sarasota has already been mapped.
- Included a restoration area of ± 20 acres.



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- RESTORE Council is finished with Round 1 projects; don't know dates of future RESTORE projects; \$25 million over 9 years.
- RESTORE funding isn't very likely in the near future.
- Revised and resubmitted the proposal in November 2015.

*. **Oyster Mapping Discussion:**

- FDEP Estero Bay Aquatic Preserves is currently mapping intertidal oysters with site visits and GPS on foot; mapping the edge of oysters; monitoring quadrates for oyster health; doesn't include mangrove roots; will complete mapping within 2-5 years; measure oyster size, substrate, SAV, water quality, season, starting with aerial maps; Estero Bay has lots of subtidal oysters.
- Sarasota County oyster mapping is completed; map by type of oyster habitat using a boat; started in 2009; mapped reef and mangrove root oysters; included tidal creeks; mapped location but not condition; could use grizzle method plus stratified random site visits.
- Could complete oyster mapping using Ray Grizzle methods using aerials for reefs followed by site visits for more details in the future.
- Need to forward Ray Grizzle's methods to SWFOWG.
- Need to map oysters in tidal creeks, too.
- VOHM handbook will include mapping; will include consistent parameters.
- Mapping grant focuses on intertidal oysters.
- Could map edge of oysters and use Grizzle stratified random methods to describe oyster.
- Grizzle method includes sub- and inter-tidal oysters, stratified random samples using tongs.

B. **CHNEP** – Liz Donley and Judy Ott, CHNEP

- Before looking for and applying for grants, need to define the project in detail and apply for permits.
- Need to be consistent with TNC RESTORE project design.
- The 2nd and 3rd rounds of RESTORE money more likely to be given for projects in southwest FL; RESTORE funding has freed up other federal grants.
- Need specific project description including location, size, cost, methods, partners, match.
- Often discuss conceptual projects with potential grantees.

C. **WCIND** – Justin McBride, WCIND

- WCIND includes Lee, Charlotte, Manatee and Sarasota counties; primarily ICW and secondary channels.
- WCIND funding comes from property taxes and goes back to water, navigation, boating improvement and education.
- Environmental restoration is considered on a regional, not county, level.
- Projects need to relate to navigation, including water quality.
- Currently focusing on navigation and channel maintenance dredging; may not be extra dollars available for 5 years.
- Funding could be used for match.
- Apply directly through WCIND, not counties; WCIND would designate funding from regional funds.
- Need to have approved permit before receiving funding; projects need to be "shovel ready".
- Could include mapping and education but not studies.
- Project locations need to be away from navigation channels.



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- Would need a plan to implement the restoration; would be good to develop a plan and process and education materials that citizens could implement; CHNEP could apply for grant from DEP to develop a citizen booklet.

D. Others

- FWC Shellfish program received some RESTORE funding, but it took 2-5 years to get the funding; focus was on scallops.
- Could use FWC funding as match.
- See FWC Freshwater and Marine Habitat Restoration and Management Grants – applications due in November following conceptual project discussions with FWC staff.

*. Additional Permitting Discussions

- If WCIND were a regional oyster restoration permit holder, the permit would need to include mitigation for anticipated dredging.
- Could develop project and permit design based on CHNEP strata as “sites’ with the total acres of anticipated restoration be summed by strata, based on priority sites; but not include specific locations.
- WCIND permit could be based on conceptual design, with maximum height, total acres by strata, total volume filled by strata, list of methods and BMPs for turbidity, avoiding SAV and negative impact.
- Permit could be a DEP IP with regulatory consultation by NOAA NMFS for programmatic opinion; could be for 10 years.
- Could have 2 permits – one for areas of CHNEP within the Smalltooth sawfish critical habitat and one for areas outside critical habitat (Lemon Bay).
- Permit could sum sites and acres and depths by strata.
- Need to overlay CHNEP strata with COE regulatory regions (reaches?).
- Steps would be: 1) define regions based on COE reaches and CHNEP strata; 2) create project criteria; 3) base language on language used in artificial reef regulations.
- Suggest developing permit to include maximum acres, summed by strata, with project review by SWFOWG; if mitigation is included need to add additional acres to total and define that SWFOWG priority sites can’t be used for mitigation.

5. Partnership Projects and Tasks – SWFOWG Participants

Topic not addressed at meeting.

6. Next Steps – Judy Ott, CHNEP

Design conceptual, regional permit conditions:

- Discuss programmatic biological opinion and maximum acres with NOAA NMFS.
- Overlay COE regulatory regions with CHNEP strata.
- Sum priority oyster restoration acres by region.
- Estimate anticipated oyster restoration for mitigation acres by region;
- sum total oyster restoration acres by region.
- Define project criteria (depth, methods, negative impact avoidance BMPs, etc.).
- Define role of SWFOWG in reviewing projects for construction permits.
- Develop draft permit language.
- Set up inter-partnership and inter-agency pre-application meeting.

7. Adjourn — Ms. Ott adjourned the SWFOWG at 12:30 pm.