

SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE

Office of the Executive Director

October 21, 2004

Honorable John Paul Woodley
Assistant Secretary of the Army
U.S Department of the Army
Office of Assistant Secretary Civil Works
108 Army Pentagon
Washington, DC 20310-0108

Dear Mr. Secretary:

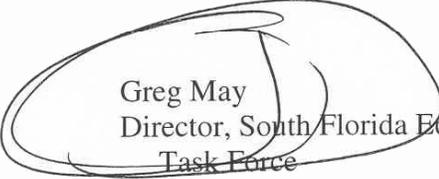
On behalf of the South Florida Ecosystem Restoration Task Force I am writing to convey the initial recommendations of the Combined Structural and Operating (CSOP) Advisory Team for your consideration. The members of the Task Force accepted these recommendations from the CSOP Advisory Team on October 6, 2004, and asked that they be forwarded to the Army. The advisory team is comprised of a diverse group of stakeholders from south Florida. Its purpose is to assist the Task Force in providing recommendations to the U.S. Army Corps of Engineers during key phases in the CSOP process and, by doing so, to increase stakeholder participation.

Since its first meeting in December, 2004, the CSOP Advisory Team has worked diligently to overcome long standing competing and sometimes conflicting interests to unanimously adopt these initial recommendations. These recommendations consist of the:

- Team's expectations for success.
- CSOP team assumptions.
- Performance expectations for the CSOP.

The team will use these expectations to evaluate the alternatives and recommended plan for the CSOP that will be developed by the Corps of Engineers. The Task Force looks forward to working with you as the Combined Structural and Operating Plan continues to develop.

Sincerely,



Greg May
Director, South Florida Ecosystem Restoration
Task Force

Enclosures

1. Task Force Members
2. List of Performance Expectations as developed by the Team

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Combined Structural and Operational Plan Advisory Team
FINAL TEAM STATEMENTS
EXPECTATIONS FOR SUCCESS, ASSUMPTIONS AND CSOP
PERFORMANCE EXPECTATIONS

Adopted Unanimously on July 30, 2004

INTRODUCTION

The Advisory Team, chaired by Carol Rist is composed of stakeholder voting members representing residential, agricultural, recreational and environmental interests, as well as local, state and federal governmental non-voting representatives. The Team was formed, charged and convened by the South Florida Ecosystem Restoration Task Force in December, 2003 to provide advice to the Task Force for its consideration in providing guidance and advice to the Army Corps of Engineers on the development of the CSOP. Pursuant to its charge, the Advisory Team has met 9 times since December, 2003, to receive briefings on the CSOP and develop initial advisory statements to the Task Force including: Advisory Team expectations for success, Team assumptions, and the Team's CSOP performance expectations. These statements, which are set forth below, cover key aspects and areas of the project including: the Water Conservation Areas, the 8.5 Square Mile Area, the detention and buffer areas in the southern part of the system, Taylor Slough, Shark River Slough and Florida Bay. They were adopted for consideration by the Task Force by a unanimous vote of the Advisory Team on July 30, 2004.

The Combined Structural and Operational Plan (CSOP) Advisory Team met on April 26-27 to review and consider the adoption of member and chair amendments to the draft "amendatory text" of statements the Team had developed at its previous six meetings and adopted at its April 5-6, 2004 meeting. The Team met on June 17, 2004 and July 29-30, 2004 to build consensus through consideration of Chair amendments to the text. The statements in each section are organized in categories including: 28 statements with unanimous support and 4 statements with at least 2/3 support. Each of the four statements includes a statement by voting stakeholder members on the nature of the concerns that led them to vote against adopting the statement. Noted for each statement is the level of support as indicated by the voting members of the Team at its April, June and July, 2004 meetings. The Team, consistent with the decision rules it adopted at its April 6, 2004 meeting, decided, after review and suggestions for strengthening support, whether to adopt each of the 62 proposed voting and non-voting member amendments to the draft statements and the 12 chair amendments offered to build consensus. Pursuant to the adopted decision rules, in order to become part of the text, each amendment needed to receive support from at least 2/3's of the voting members present. Of the 62 member amendments and 12 chair amendments: 19 were adopted unanimously; 4 were adopted receiving between 2/3 and unanimous support; 36 were withdrawn; and 5 failed to receive the 2/3 support needed for incorporation into the text.

Going forward, we anticipate using this list of statements as a tool to help the Team assess, evaluate and seek consensus on future advice to be given to the Task Force regarding potential changes or refinements to the CSOP as the Corps proceeds in its Plan development process. These statements do not suggest there is consensus among the members as to whether or not the Corps will be able to meet these expectations. Instead, this list of statements represents the Team's collective expectations that will serve as a gauge for the team to measure any gaps between these expectations and CSOP proposals developed by the Corps. This tool is designed to allow the Team to work with the Task Force and the Corps to review, debate and revise how to meet these expectations in the CSOP.

We look forward to any guidance from the Task Force as our Team continues its efforts pursuant to our charge.

OVERALL CSOP ADVISORY TEAM EXPECTATIONS FOR SUCCESS

STATEMENTS WITH UNANIMOUS SUPPORT

- (A) **The CSOP will respond to the final consensus recommendations of the CSOP Advisory Team.** *4/26/04 Vote on Amendment #2 MacVicar: 11-0*
- (B) **The CSOP Advisory Team, consistent with its adopted consensus guidelines, will seek consensus decisions on their package of advisory recommendations to the Task Force and preserve the opportunity for minority views to be expressed and recorded in the appendix of the final document.** *4/26/04 Vote on Amendment #3 Harrison: 13-0*
- (C) **The CSOP, as designed and implemented, will advance Everglades Restoration and be consistent with the broader goals of CERP.** *4/26/04 Vote on Amendment #4 Rice/Lorion: 13-0*

CSOP TEAM ASSUMPTIONS

STATEMENTS WITH UNANIMOUS SUPPORT

- (D) **All stakeholders will be treated fairly.** *4/26/04 Vote on Amendment #6 Fortin: 13-0*
- (E) **The Army Corps of Engineers will provide, clarify and quantify all data necessary for the CSOP Advisory Team to make informed decisions.** *4/26/04 Vote on Amendment #9 Adornato: 12-0*
- (F) **All natural areas within the project's area of influence are important.** *4/26/04 Vote on Amendment #13 Walsh: 12-0*
- (G) **The CSOP will reduce the existing seepage problem as much as possible with MWD and C111 structures and/or operations.** *7/29/04 Vote on Chair's Amendment: 11-0*
- (H) **Additional features for improved flood protection shall not harm the Park and shall be consistent with restoration of natural water flows.** *4/26/04 Vote on Amendment #32 Guerra: 13-0*
- (I) **The CSOP will provide access to levee and canal ways for appropriate recreational uses consistent with the Congressionally authorized purposes of these projects and the recreational policy of the SFWMD** *4/26/04 Vote on Amendment#34 Harrison: 13-0*

WCA 3A & 3B PERFORMANCE EXPECTATIONS

STATEMENTS WITH UNANIMOUS SUPPORT

- (1) Move towards rainfall driven natural flows and levels and move toward natural connectivity of WCA 3A 3B and NE Shark River Slough while reducing unnatural frequencies and duration of extreme high and low events. *No Amendments***
- (2) Consistent with restoration goals, maintain and improve public access to and connectivity within WCA 3A and WCA 3B for current recreational and other activities which are vital to the traditional Everglades “sportsperson” culture. Emphasis should be placed on modifications to the L-67 canals. *4/26/04 Vote on Chair’s Amendment #1: 13-0***
- (3) If and when CSOP induces additional flows into and through WCA 3A, WCA 3B, and Everglades National Park to improve water deliveries and provide ecological benefits, ensure that these inflows meet all applicable water quality standards. *4/26/04 Vote on Amendment#23 Rice/Lorion: 14-0***
- (4) Move toward restoration of all natural habitats within WCA 3A and WCA 3B to include tree islands and ridge and slough, and strive to restore historical hydrologic/ecological connection throughout the South Florida ecosystem. *4/26/04 Vote on Amendment#15 Adornato: 14-0***
- (5) Protect Tribal natural and trust resources vital to their traditional culture and way of life by restoring more natural water levels in WCA 3A. *4/26/04 Vote on Amendment#25 Rice/Lorion: 14-0***

STATEMENTS WITH AT LEAST 2/3 MAJORITY SUPPORT

- (6) Reduce flooding impacts on nearby agricultural and urban area. Project induced flood impacts to be avoided include seepage out of WCA-3B and diversion of flow to the S. Dade conveyance system. *4/26/04 Vote on Amendment#17 Reck: 10-4 Yes: Alleman, Espino, Fisikelli, Fortin, Humble, MacVicar, Pena, Powell, Walters, Rist, No: Adornato, Lorenz/Burke, Guerra, Harrison.***

Minority members statement on concerns with Expectation #6 (Adornato, Lorenz, Guerra & Harrison)

Performance Expectation #6 refers to “flooding impacts” without indicating the cause of such impacts. Pursuant to their legal authorizations, the MWD Project and the 1996-authorized modifications to the C-111 project must mitigate flooding impacts caused by implementation of the projects themselves. The projects are not, however, required to

mitigate for the impacts of any and all “seepage out of WCA 3B [or] diversion of flows to the South Dade Conveyance System,” including impacts caused by other operations of the C&SF Project. To mitigate for these unrelated impacts, the agencies must ensure that the mitigation will not compromise the authorized restoration purposes of the projects or, alternatively, seek other means of accomplishing the mitigation. In this specific context, we do support the expectation that the CSOP reduce interbasin transfers at S-331, as this should benefit the Park, other natural areas, and agricultural lands downstream of this structure, while not negatively impacting any part of the Park or other natural areas upstream.

8.5 SQUARE MILE AREA PERFORMANCE EXPECTATIONS

STATEMENTS WITH UNANIMOUS SUPPORT

- (1) Consistent with the benefits of both Mod Waters and C-111 projects, the operations of S 357 and its STA will minimize seepage into L-31 N. *4/26/04 Vote on Amendment#30 Harrison: 14-0*
- (2) The CSOP will be developed so that there will be no reduction in flood protection due to project implementation east of the 8.5 SMA (between G-211 and S-331). *4/26/04 Vote on Chair#2: 13-0*
- (3) The Corps and/or SFWMD will comply with all applicable water quality standards for the water bodies receiving outflows from the 8.5 SMA. *4/26/04 Vote on Amendment#35 Adornato: 11-0*

STATEMENTS WITH AT LEAST 2/3 MAJORITY SUPPORT

- (4) The Plan will provide flood protection for the residents of the 8.5 Square Mile Area and hydrological benefits for Everglades National Park, as authorized by Congress.
6/17/04 Chair's Amendment 9-4 Yes: Alleman, Espino, Fisikelli, Fortin, Humble, MacVicar, Pena, Powell, Rist No: Cynthia Guerra, John Adornato, Jerry Lorenz (Alternate for Tad Burke) and Richard Grosso (Alternate for Debra Harrison).
The Chair's 6/17/04 amendment was preceded by a Chair's amendment #9 on 4/27/04 (13-0) and that was preceded by two amendments that failed to secure sufficient support to Performance Expectation Statement #7: 4/26/04 Vote on Amendment # 26 Guerra (7 yes/ 7 no) 4/26/04 Vote on Amendment #27 Sculley (7 yes/ 7 no)
Minority statement on concerns with Expectation Statement (Adornato, Lorenz, Guerra & Harrison)
This Performance Expectation fails to clearly state the relevant legal authorizations. Specifically, the expectation should state that the Congressional authorization of Alternative 6D contained in the 2003 omnibus appropriations bill constitutes the Advisory Team's expectation concerning the 8.5 Square Mile Area component of the MWD Project. While all parties around the table agreed to this in principle, we could not

agree to clarify the expectation statement accordingly. Without such a clarification, it is our opinion that this Performance Expectation may create false perceptions about the ultimate performance of this element of the restoration project.

DETENTION AND BUFFER AREAS IN SOUTHERN PART OF SYSTEM PERFORMANCE EXPECTATIONS

STATEMENTS WITH UNANIMOUS SUPPORT

- (1) Performance of the buffer and detention areas is dependent on reduction of inter-basin transfers of seepage water from the Everglades, including S-331. Seepage from ENP should be returned to ENP, in the same general area from which it came. 4/27/04 Vote on Amendment #41 MacVicar: 12-0**

STATEMENTS WITH AT LEAST 2/3 MAJORITY SUPPORT

- (2.) These project elements were designed to restore historic hydrologic conditions in the Taylor Slough and Rocky Glades while providing flood protection. It is our expectation that objectives of better flood protection for the area east of the L-31N Canal and more natural hydrology along Eastern boundary of ENP will be met in accordance with the project design.**

4/27/04 Vote on Chair's Amendment #8: 8-4Yes: Alleman, Espino, Fisikelli, Fortin, Humble, MacVicar, Pena, Rist No: John Adornato, Cynthia Guerra, Jerry Lorenz (Alternate for Tad Burke) Debra Harrison.

Minority Members statement on concerns with this Expectation Statement (Adornato, Guerra, Lorenz & Harrison).

Similar to Performance Expectation WCA #6, the Performance Expectation implies inappropriately that improved flood protection is equivalent to restoration as a legally-authorized design purpose for these projects. The overall legally-authorized purpose of the modifications to the C-111 project that the CSOP is to implement is the "restoration of the ecosystem in Taylor Slough and the eastern panhandle of ENP that were affected by construction of the flood control project in the C-111 Basin. The study also focuses on preserving the current level of flood protection for the agricultural activities in the C-111 basin." Therefore, any reference to providing flood protection should be directly linked to maintaining the existing levels of flood protection, not an unquantifiable and vague statement like "better flood protection." The expectation should also be linked to the project documents, with a statement of aspiration that further storm water management improvements could be attained if consistent with the authorized objectives.

TAYLOR SLOUGH PERFORMANCE EXPECTATIONS

STATEMENTS WITH UNANIMOUS SUPPORT

- (1) **The CSOP should restore historic hydrologic conditions in the Taylor Slough and Rocky Glades basins within ENP, and will be evaluated using a combination of hydrological and ecological measures. The Corps and/or SFWMD will comply with all applicable water quality standards.** *4/27/04 Vote on Amendment #45, Guerra: 11-0*

SHARK RIVER SLOUGH PERFORMANCE EXPECTATIONS

PREAMBLE LANGUAGE

STATEMENTS WITH UNANIMOUS SUPPORT

- **The Modified Waters Project cannot be considered complete until the hydrological connection is restored.**
 - **The hydrological and ecological benefits of CSOP will be achieved without compromising public health and safety and/or flood control.**
- 4/27/04 Vote on Chair's Amendment #3 & #4: 13-0*

PERFORMANCE EXPECTATION

STATEMENTS WITH UNANIMOUS SUPPORT

- (1) **The CSOP will restore more natural hydrologic conditions in Shark River Slough and its downstream estuaries and will be evaluated using a combination of hydrological and ecological performance measures. The Corps and/or SFWMD will comply with all applicable water quality standards.** *4/27/04 Vote on Amendment #46 Burke/Lorenz: 11-0*
- (2) **CSOP should consider whether water quality features are needed at the 356 pump station for Shark River Slough.** *4/27/04 Amendments #47 and #49 withdrawn*
- (3) **The facilities of the Airboat Association of Florida will be provided appropriate flood mitigation.** *4/27/04 Chair's Amendment # 5: 13-0*

STATEMENTS WITH AT LEAST 2/3'S SUPPORT

- (4) **Tamiami Trail improvements must be completed, including the 3000 foot bridge and elevation of the remaining eastern segment of the road, before allowing significantly more water into Northeast Shark River Slough. This project**

component must be expedited and the remainder of the project components must be sequenced subject to this constraint. CSOP will analyze whether and how much water can be restored to Shark River Slough prior to full completion of the project without compromising flood protection. *4/27/04 Vote on Chair's Amendment #6: 9-4 Yes: Adornato, Burke/Lorenz, Espino, Fisikelli, Guerra, Harrison, Pena, Walters, Rist No: Alleman, Fortin, Humble, MacVicar (MINORITYSTATEMENT TO BE ADDED)*

FLORIDA BAY PERFORMANCE EXPECTATIONS

STATEMENTS WITH UNANIMOUS SUPPORT

- (1) The plan should restore historic hydrologic conditions in the eastern panhandle basin of Everglades National Park by redirecting flows from C-111 basin to Taylor Slough. This will move towards appropriate salinity levels in Central and Northeast Florida Bay, while restoring historic hydrologic conditions in Taylor Slough and complying with applicable water quality standards. *4/27/04 Vote on Amendment # 57(Burke/Lorenz): 13-0*
- (2) The effects on Water Quality from changing flows to FL Bay, including potential nitrogen effects will be monitored. If a problem is detected, appropriate action will be taken *4/27/04 Vote on Amendment # 60 (Burke/Lorenz): 13-0*
- (3) The CSOP will eliminate damaging freshwater flows to Manatee Bay/Barnes Sound by reducing the need for discharges from S-197. *4/27/04 Vote on Amendment # 62(Burke/Lorenz): 12-0*
- (4) The C-111 N spreader canal will be constructed, as per the C-111 1994 GRR, as soon as possible. *4/27/04 Vote on Chair's Amendment # 3: 12-0*