

*Approved Meeting Minutes  
South Florida Ecosystem Restoration Task Force  
South Florida Water Management District  
West Palm Beach, FL  
May 10, 2005*

**Workshop Session**

**Opening Remarks and Administrative Items**

Ms. Colleen Castille called the meeting to order at 8:33 A.M noting Ms. Marti Albright was unable to attend due to family obligations. She announced that the meeting was being webcast and asked that everyone identify themselves and use the microphones. She asked the Task Force members to review the minutes included in the briefing binder (Encl. 1) from the last meeting for approval after the break. She also announced this was Mr. Henry Dean's last meeting, and there would be a farewell party for him following the meeting.

*Clarence Anthony, Mayor, City of South Bay*

*Colleen Castille, Vice-Chair, Secretary, Department of Environmental Protection*

*Henry Dean, Executive Director, South Florida Water Management District*

*Jose Diaz, Commissioner, Miami Dade County*

*George Dunlop for John Paul Woodley, U.S. Department of the Army*

*Andrew Emrich, U.S. Department of Justice*

*Brent Fewell for Benjamin Grumbles, Acting Assistant Administrator for Water, U.S. Environmental Protection Agency*

*Dexter Lehtinen, Special Assistant to the Miccosukee Tribe of Indians*

*Courtenay McCormick for Mack Gray, U.S. Department of Agriculture*

*Peter Ortner for Timothy Keeney, Deputy Assistant Secretary for Oceans and Atmosphere, U. S.*

*Department of Commerce*

*Rock Salt for Marti Albright, Chair, U.S. Department of the Interior*

*Jim Shore, General Counsel, Seminole Tribe of Florida*

*Michael Collins, Water Resources Advisory Commission*

**Whiparound**

Mr. Mike Collins reported the WRAC was continuing to work on initial water reservations and a workshop was being scheduled for the Guidance Memoranda (GM).

Mr. George Dunlop reviewed the schedule for the final approval of the GM adding they were pleased people have paid attention to them. He noted the GM have been posted on the internet since April 26<sup>th</sup> and have been published in the federal register. Public comment will end on the 30<sup>th</sup> of June and consultation with the tribes was underway. The Army intends to publish changes in the final draft GM and obtain concurrence letters from the Secretary of the Interior and the Governor of Florida. The Administration's budget for FY06 requested split funding for the Modified Water Deliveries (MWD) project between the Corps of Engineers (COE) and Interior. The committees are working on the budget and resolution was expected.

Mr. Clarence Anthony announced that the groundbreaking for the Regional Water Plant for the Glades area will take place on June 25<sup>th</sup>. This plant will enable Belle Glade, South Bay and Pahokee to come off the Okeechobee water supply. The residents will be proud to receive the same quality of water as most people on the coast. He noted that they have been working on providing quality water to their citizens since he was born. They still have needs and the Task Force and others could help when they seek additional funding. This has always been on their agenda and they should celebrate what they achieve and do well.

Mr. Dexter Lehtinen asked about the status of the Strategy. Mr. Greg May said that it was in final layout right now and would be going to publishers. Mr. Lehtinen expressed his continuing concern that MWD hasn't progressed and the CSOP modeling continues to show areas of potential flooding. He agreed with Congressional leaders regarding the lack of authority for some of the things that have been undertaken on

MWD. They agree that MWD should be completed within the legal authority under the 1989 act and that efforts to go beyond that are outside of the CERP process.

Mr. Peter Ortner conveyed Mr. Keeney's regrets at not being able to attend due to coral reef responsibilities. He noted the end of the public comment period for the Sanctuary Management Plan and said that modifications were being made. There was a high level review at NOAA on ecosystem approaches to management and this Task Force has been suggested as an example of regional cooperation.

Mr. Brent Fewell conveyed Mr. Grumbles' regrets at not being able to attend. He recognized Mr. Scott Gordon and Mr. Richard Harvey who were both present and brought him up to speed on the issues.

Ms. Courtenay McCormick recognized Mr. Ron Marlow and Mr. Edward Wright from USDA and added that a replacement for Mack Gray will be appointed the following week. She said that the Department would announce additional wetlands restoration funding.

Mr. Rock Salt stated in response to Mr. Dunlop and Mr. Lehtinen's comments that the appropriations sub committee for Interior published its report in support of its share of MWD funding. The report also directed a more detailed report on land acquisition and a report on water quality. While celebrating the good work of the SFWMD in land acquisition there was a growing sense that they need to seek other funding sources. He suggested the Task Force might want to direct the Working Group to put together a draft report. Ms. Castille suggested they work with Carole Wehle. Mr. Salt added that DOI funding for land acquisition was very modest.

Mr. Henry Dean welcomed everyone to the SFWMD and provided directions to his farewell party. He also took a moment to thank everyone for their efforts to restore the Everglades and encouraged everyone to continue to "move the ball down the field" regardless of the differences in opinions.

#### **Executive Director's Update**

Mr. Greg May explained that there would be three opportunities for PIR consultation - scoping, alternative formulation and the final draft. He announced that his office was reviewing the schedules for Task Force reports for the purpose of streamlining the process and getting the most current information. Regarding the land acquisition report that Mr. Salt had referred to he suggested that one option was to handle it through the Land Acquisition Strategy, or an appendix, since it was updated annually. Mr. May introduced two membership issues for the CSOP Advisory Team. First he recommended adding an FDOT representative as a non-voting member. Mr. Collins said it was a great idea since they are talking about changes to the roads and bridges and there were no objections. Mr. May then recommended adding Mr. Roy Rogers as a voting member to replace Ms. Carol Rist. He noted that an e-mail on this subject had previously been sent to all the members. Ms. Castille said that Mr. Rogers had been instrumental in achieving the District's goals while developing Weston and Pembroke Pines. Mr. Collins recognized a question regarding his residence in Broward County but added he was a key member of the Miami-Dade Watershed Study. Mr. Collins made a motion to approve Mr. Rogers' appointment and there were no objections.

#### **Project Implementation Reports (PIRs)**

Mr. Dennis Duke said that he reduced his presentation from 180 to 100 slides and noted that people were available in Jacksonville via conference call to help answer questions. He reviewed ten projects, which were at various stages of development and reviewed the project objectives, components, costs and status. Five projects (North Palm Beach, C-43, C-111 Spreader Canal, Acme Basin B and Lake Okeechobee Watershed) were in the scoping phase. Four projects (Everglades Agricultural Area, Water Preserve Areas, Biscayne Bay Coastal Wetlands and Winsberg Farms) were in the Alternative Formulation phase. One project (Site 1 Impoundments) was in the draft report phase.

Mr. Salt noted that Mr. Patrick Hayes had made them more aware of the problems in the Loxahatchee River. He asked Mr. Duke how much restoration in the Loxahatchee River would be achieved by the North Palm Beach project. Mr. Duke replied that in terms of goals and objectives, the Loxahatchee would be the primary area for additional flows. The project components would provide a source of water and the transport mechanism to move more water. The WMD completed a control structure to divert more water

into the historical river channel and this will provide additional water. Achieving target flows will stop and reverse the migration of salt water species and achieve more historical flow regimes in the basin. Mr. Collins said there were established targets but they may have negative impacts and, depending on the balance point, then they either do or don't have enough storage. If the number is higher than expected and the basin needs more water then they may need more storage in the future. Mr. Salt said that Minimum Flows and Levels (MFLs) was a different concept from restoration and recognized as less than restoration goals. Mr. Barnett said the Governing Board, when they established the MFL, recognized that the level would prevent significant harm. The District's rule directed FDEP and the District to work together to establish a restoration goal for the river and there were public workshops planned to work on this. They were also looking at ways to deliver water through the northern basins. The flows that come in through the C-18 will be met through the CERP components and the District, DEP and others will find other options.

Mr. Fewell said before they get too far into the design and implementation phase it was worth discussing the regulatory considerations. Mr. Dean said the District was working closely with the Corps to make sure the full requirements of the NEPA process were met. Mr. Fewell asked how the waters would be classified once the reservoirs were constructed and whether they would be impaired or subject to a TMDL. Mr. Dean said in most cases water was collected in a stormwater reservoir before going into a natural system and they were not expected to meet pristine water standards. Mr. Ken Ammon added that for the Corps to participate they would need to get water quality certification from the state but that water quality standards would not be met within the reservoir. Mr. Barnett said they have to meet water quality standards at the discharge point. Mr. Collins said that it could be argued that every drop of water in the state of Florida has to be cleaned up, but as a matter of policy expecting them to clean it before it goes in would create gridlock. Mr. Fewell asked for this discussion to continue in another forum. Mr. Anthony said it did not seem that there were many stakeholders in this area and asked whether the municipalities were involved. Mr. Duke said they were trying to reach out through the PDT process and individually as they are identified.

#### **Public Comment**

Mr. DT Minich (Director, Lee County Tourism) said tourism is a \$2 billion industry and a healthy ecosystem is needed to sustain and improve recreational opportunities. As a Visitor and Convention Bureaus they are one of the only ones taking on these kinds of issues. The County applauds the move to expedite C-43 and noted the county's appreciation for all the work being done. No one can deny the need for and the importance of water quality and the original project purpose is to reduce salinity and nutrient impacts to the estuary. He said current water quality was not adequately addressed and while there may be incidental benefits to holding water this will not achieve significant water quality improvements. Lee County wants to see water quality addressed now so that the improvements will be achieved sooner rather than later.

Mr. Dean thanked Mr. Minich for his comments and noted they were developing a test cell to determine scientifically the limiting factor, whether nitrogen or phosphorous, and then take further steps. Mr. Haddad said the test cell for C-43 will be started within the next six months. At the next Quality Review Board meeting they will talk to the Corps about the exact process they will use on C-43 with regards to the water quality issue. Options and the proposed plan will be discussed to get buy-in from the Corps. Mr. Dean said they were committed to addressing water quality. Mr. Ortner said NOAA was also concerned and would be providing the WRAC with information on possible downstream effects.

Mr. Salt said that it was hard for him to understand how doing something that makes it better would be prohibited because of the regulatory structure. At worst the reservoir would keep everything equal and if that's not true then they need to deal with that. Mr. Dean said that doing "nothing" or doing it "perfectly" was not the issue and that the SFWMD and DEP were committed to addressing the timing, distribution as well as water quality.

Ms. Castille asked how the timeline for MWD would affect the C-111 or vice versa. Mr. Duke explained the C-111 spreader assumes the MWD and C-111 were in place and the issue would be operations. Ms. Castille noting the delays with MWD asked whether they were going to have a project that would not be fully utilized. Mr. Duke replied that although there was a dependency and interaction he was not worried

about the linkage. Mr. Salt added there was a lot less controversy over the 8.5 square mile area project. When those features are completed it will help and there will be a better fit with the spreader canal.

Mr. Collins asked whether they would need an STA before doing the Lake Okeechobee Watershed project too and asked what the difference was. They are proposing to build storage north of the Lake and looking at a reservoir as part of the RASTA and another RASTA with a PSTA behind it. He asked for clarification on the difference between those project features and the C-44. Mr. Richard Harvey said that system that would need an NPDES or EFA permit but never envisioned it would be viewed as a water of the U.S. The earlier comments were directed at a stand alone reservoir not associated with a STA and that issue needs to be worked through now.

Ms. Castille said it was wise to discuss it now and to continue the discussion. She noted their concerns with Lake Okeechobee's failure to recover from the storms. She asked Mr. Dean to provide an overview of the meetings they have had with legislatures. Mr. Dean said Sen. Ken Pruitt had expressed serious concerns with the water quality problems impacting Lake Okeechobee and the estuaries. The SFWMD along with FDEP and FDACs have developed a draft plan which includes an expansion of existing STAs and additional plumbing to tie in critical basins to the new STAs that would be constructed. There have also been discussions to proceed with forward pumps and working in partnership with large landowners. Funds in the current appropriations will be identified to implement the first stage this year. Sen. Pruitt was committed to continue and to increase the funding to expand STAs and re-plumb the canal system to ensure adequate treatment to meet the 2015 deadline. Ms. Castille said a committee would be put together with the WRAC to discuss both short term and long term solutions.

Mr. Salt asked how these projects fit together. Mr. Dean said he has stated publicly that they were committed to looking at this holistically. Ms. Castille noted the ultimate goal was to restore the entire system from Shingle Creek to Florida Bay. Mr. Salt said the Corps' PIRs were not looking at natural area storage and the WMD was aggressively pursuing landowners to keep more water on their land. They were doing good things but he did not understand how all of the pieces fit together. Mr. Collins said that if the Corps were to say that they were not comfortable acquiring lands for natural storage then the SFWMD would hear that. They were looking at storage now and they were all working together to take care of the problem. He added that they did not need a federal law to tell them what to do. Mr. Salt asked whether the Corps was capturing everything as they do the PIR. Mr. Duke said it takes three to four years to prepare a PIR and as conditions change they will need to be incorporated. Mr. Duke asked for comments to be provided on the draft report. Mr. Dunlop asked Mr. Duke to explain the expectations of the USACE with regards to how they will engage and get these things done. Mr. Duke clarified the purpose of this consultation was to identify the major issues and get the "particulars" incorporated into the evaluation and analysis process. Many of these things will be coming back to the Task Force in September. Items identified in the scoping phase would be incorporated into the alternative formulation phase and issues identified in the alternative formulation phase would be incorporated into the draft report phase. Ms. Castille agreed with Mr. Dunlop that now was the time to speak. Mr. Ortner noted that there was a lot more work to be done to move these projects forward. Ms. Castille clarified they would ask the Working Group to look at the PIRs in the scoping and alternative formulation phase and move them forward.

#### **Guidance Memoranda (GM) and Pre-CERP Baseline**

Ms. Castille congratulated Mr. Stu Appelbaum on his promotion to Chief of Planning and thanked him for all his work. Mr. Appelbaum announced the final draft was published in the federal register with the formal public comment period running through June 6<sup>th</sup>. The comments received to date addressed readability, GM 3 (savings clause) and GM 4 (identification of water). The team has worked hard to organize, clarify and simplify the document and the issues raised in the 14 point CEQ paper have been incorporated. He reviewed the changes made to each of the GM's since the last update noting that GM 4 had the most changes.

The pre-CERP baseline has been posted on the internet but doesn't require the same type of notice and had different procedures. Minor changes have been made to the document and the basic model run has not changed since November. Some stakeholders have expressed concern about what was modeled and what was not modeled. The basis of the model run was the operational rules in effect on the date of enactment.

The final document will be prepared after the public comment period ends then they will obtain concurrence of the Secretary of the Interior and the Governor. Commissioner Diaz thanked Mr. Dean for his commitment and leadership and congratulated Ms. Wehle. He also thanked the Corps for all their work and noted many of their comments had been incorporated.

### **Public Comment**

Ms. Barbara Miedema (Agricultural Interests in South Florida) said she was also a member of the WRAC and as such will provide recommendations to the Governing Board on June 8<sup>th</sup>. She requested a 30 day extension saying she believed they could work through the issues given more time. She said this draft was much better than the last draft but key concerns remained. CERP was a conceptual plan and the Corps was not able to go through their usual feasibility analysis and deliver a final plan. They supported the Corps' effort with the understanding that each of these components would have to go through a feasibility analysis and that the PIR would bridge the gap between an idea and final project design. They believe GM 1 and 2 buy the future analysis without regards to changing conditions and technological advances. She pointed to the Everglades Agricultural Area Reservoir, which according to the yellow book would be done in two phases and noted the land was purchased with Farm Bill money. She said that her company has relinquished all of their acreage and the remaining lands would transfer on December 31<sup>st</sup>. The original purpose of the project was to capture local runoff and use it as an irrigation source so that lake water could be used to re-hydrate the Everglades. Today the goal of the reservoir was for habitat improvements, to store harmful discharges that would otherwise go to the estuary – in other words the purpose and configuration of the project had changed. They believe that a true analysis would determine if storage north of the lake could be used as an alternative. She applauded the work that had been done and asked for more time to get their issues resolved. Ms. Miedema's written comments (Encl. 2) were provided for the record.

Mr. Tom McVicar (representing a large agricultural coalition) said the Pre-CERP baseline should reflect Florida law - if farmers reduce flows to the Everglades, the District has to make it up. Unfortunately, a computer error in the analysis regarding how much flow had to be made up was used. Half of the error was corrected but the other half remains and he stressed the entire error needed to be corrected or every PIR Team would be forced to figure out what do with this 100,000 acre feet of fantasy water. He also said he disagreed with Mr. Appelbaum and there were operational things that were legal but were not reflected.

Mr. Phil Parsons (Florida Sugar Cane League and Agricultural Coalition) said he agreed with Mr. McVicar's statements about the BMP make-up water. This has been acknowledged by everyone and the amount of water was beyond what the STAs in the EAA were designed to treat and will create an environmental problem. No one disagrees it was a mistake and he hoped they would find a way to solve it. He added that with regards to reservations and allocations of water it has been their position that it is the role of the State of Florida to meet its requirements based on WRDA 2000. There isn't a doubt that the state can and will produce additional water in the system. The state can and will reserve additional water in the system. The GM direct and compelled the state to exercise its authority in a certain way and it may be that the Corps and the federal partners will accept what the state intends to do. Perhaps that can be confirmed with the additional time that has been requested. There has been no rule development on this issue and the State of Florida has one reservation and needs an opportunity to develop its program.

Mr. Appelbaum said he appreciated the feedback and looked forward to receiving the written comments. He explained that in 2000 this was the way the system was operated and it was their decision when they put the pre-CERP baseline modeling together. They were trying to look at whether implementation of a CERP project would cause an elimination or transfer. Regarding the reservations, they will clarify if they said something in-artfully. The intent was that GM 4 deals with identifying water, beneficial existing water as well as new water created by CERP projects. They will look at both sets collectively and the law requires that any new water needed for the natural system must be reserved. They were looking to the state to protect baseline water but did not specify how or where that was to be done – it simply says they are looking to the state to use their existing tools. Regarding the comment on GM 1 and 2 formulation and evaluation, their process for evaluation is rigorous and they will begin with the yellow book as the starting point since it was approved by Congress. If they find that it is not appropriate then they will go to a more detailed process.

Ms. Castille said it would be up to the Corps to decide if there would be a time extension. Mr. Dunlop said they look to the Task Force's thinking on these types of issues and asked the Task Force to formally express if they would like the time extended but they would like to avoid doing a formal extension. Mr. Collins said they were planning two workshops this month and were hoping to get comments the first week of June. The Governing Board will not meet until June 8<sup>th</sup>. Mr. Collins said that if they had gotten this beforehand it wouldn't be an issue. Mr. Ammon said that although the public comment period ends on June 6<sup>th</sup> the Governor's concurrence isn't needed for 180 days and there was nothing to preclude his agency from coordinating with the Corps and DEP in order to advise the Governor. Mr. Collins said the WRAC's comments would be forwarded to the Governing Board within the concurrence period. Mr. Dunlop said there was enough flexibility to still keep on schedule without any formal extension. Ms. Castille asked for clarification with regards to moving up the process. COL Carpenter said the schedule they have laid out would meet the timeline presented to the Governor. The Corps will not produce the final version the day after the deadline. Mr. Collins said there was a risk that if the comments don't show up in the next draft, then the concurrence process could get bogged down. Mr. Appelbaum acknowledged the comments and thanked the people that worked on the GMS. Ms. Castille introduced Mr. Jim Boone who will take Mr. Appelbaum's place.

### **Growth Management**

Ms. Castille reported the Growth Management bill that passed the Florida Legislature was landmark legislation. She noted they were continually asked about concurrency on roads, water and schools. The Legislature required the water management districts to coordinate among themselves and with local governments. As they went through the process, they found that local governments were planning future water supply development in some of the same locations and using the same water supplies. The local governments were also included in the water supply planning requirement and the water management districts were moving forward on a collaborative basis to determine what the local communities' growth plans were. The districts were letting them know the reservation and MFL requirements for the environment and helping them coordinate both those things when approving growth. There was now a requirement that when a local government approves amendments to land use plans it must be consistent with the water supply plans that were in place with the water management districts. Future growth that relies on water supply can only be approved if that water supply is determined to be there. It was with incredible pleasure that she watched the Legislature approve the bill which would do more for the environment than anything she had seen over the last five or ten years. DCA, DEP and DOT were planning community forums to tell everyone about the bill noting that it was critical for everyone to understand the requirements for concurrency with roads, schools and water. She said that Commissioner Diaz had done a great job of bringing information to the local governments. She was committed to come to the local governments to ensure there was a true understanding of what Everglades restoration was all about. The state was committed to imbedding water reservations and MFLs in all decisions as they moved forward.

Commissioner Diaz said he looked forward to the meetings adding the local governments were closest to the people and were the ones getting the phone calls asking about the restrictions and he looked forward to educating the public.

Ms. Castille said each community thinks it is unique but the issues being dealt with on a local basis were similar. The issues of water quality, quantity and timing were the same but none are at as large a scale as Everglades restoration. Through the process of education she hoped to uncover all the issues and educate the communities on Everglades restoration. The state has an initial \$200 million for water restoration and water supply in the Growth Management bill with \$100 million recurring every year thereafter. There was \$100 million for alternative water supply, \$50 million for TMDLs, \$25 million for SWIMM and \$25 million for wastewater for disadvantaged communities.

### **Public Comment**

Mr. Patrick Hayes (Loxahatchee River Coalition) said he was also an elected official in Martin County and a WRAC member and noted his concern that the coastal estuaries have been suffering. As they go forward with planning and development to accommodate a doubling of the population, they need to review the way they issue environmental resource permits. The south Florida ecosystem is the flood plain of the Kissimmee River with the exception of the Coastal Atlantic Ridge and they must demand a higher

quality/standard as they develop agricultural areas which were originally wetlands during the rainy season. If they do not then they will never get ahead of the problem and in 20 -30 years the coastal estuaries will be lost.

Ms. Rosa Durando (Audubon of Palm Beach) noted she served on a land use advisory board for fifteen years and had been a resident of Palm Beach County since the early forties. She once had roseate spoonbills on her land which have not been mentioned in the discussions. She said the failure has been a “money game” for a long time, from when the Kissimmee River was straightened. The Cross Florida Barge Canal was still a thorn in their side with the Rodman Dam. The C-51 Basin Rule could have helped but it was constrained and the south end of Wellington was never considered as part of the C-51. The Basin B that dumps some of the worst quality of water into the refuge. She thanked Mr. Lehtinen for filing suit noting he was now helping with Wellington. She questioned why they were allowing the annexation of an STA into an incorporated area. She said she has a problem with the SFWMD and the County not a single objection was raised with the STA “which has opened up annexation horizons like you can’t imagine”. She said was disappointed with the people in the room talking about expediting permits because they have promised the Governor who will be long gone. The battle was not with Scripps but where it will be located. She encouraged everyone to get into the growth management issue.

Captain Ed Davidson said there continues to be a disconnect between what goes on in these meetings and the local land use decisions. There was historical opportunities with the new legislation to deal with this disconnect. It will be crucial to deal with water allocations and drainage which have been granted. Those water privileges need to be reexamined and not automatically perpetuated when they were granted for different reasons. They need to keep working on building a process that will survive changes in state and national regimes. He encouraged everyone to keep the “big picture” in mind.

#### **Regular Session**

Ms. Castille asked if there were any changes in the February minutes, there were none and they were approved without objection.

#### **Corps Restoration Update**

Mr. Duke provided an update on the current program. The MWD project has been funded to date by Interior and the real estate acquisitions for the 8.5 square mile area (SMA) were on track for completion by the end of June 2005. They are on schedule to acquire the remaining 843 tracts by the end of June. Construction of 8.5 SMA flood mitigation works will begin in October 2005 pending FY06 funding. The current project cost estimate is \$398 million. The higher estimate was attributed to rising real estate values in Miami Dade, increases in the price of construction materials and safety concerns associated with design requirements for Tamiami Trail. The General Re-evaluation Report (GRR) for Tamiami Trail was being updated in coordination with Florida DOT and consisted of three final alternatives (3,000 foot bridge, four mile bridge, ten mile skyway). The draft report was scheduled for public review this fall. The design of the conveyance and seepage works to convey water from the WCAs into NE Shark River Slough (NESRS) was ongoing. Mr. Duke provided the latest status for the Kissimmee River Restoration, West Palm Beach Canal (C-51)/STA 1E, C-111, Indian River Lagoon South and the Picayune Strand. He said the Aquifer Storage and Recovery (ASR) pilot projects field investigations would begin this fall pending funding. They were developing plan to relocate the L-31 Seepage Management Pilot project to the southern end of L-30 to control seepage. The Wastewater Reuse Pilot was on hold pending resolution of the discharge area and the support position by the sponsor. The Lake Belt Storage was on hold due to the timing and availability of resources. He reviewed the Acceler8 projects noting the SFWMD coordinated with the Corps and FWS throughout the 404 process. He said the Independent Scientific Review Panel had met three times so far. He reviewed the Master Implementation Sequencing Plan (MISP) with emphasis on the projects in Band 1. These projects were sequenced to avoid savings clause violations and to obtain natural benefits as soon as possible. The Corps was still working with Interior to meet their concerns with the schedule. The Interim Goals Agreement was being drafted along with the Five Year Report to Congress. The Five Year Report, the first report since the Restudy, describes the planning, design and construction work completed as well as the funds expended. The report will also describe anticipated work for the next five-year period. Mr. May noted that a special consultation meeting would be scheduled for the Five Year Report and on the Interim Goals Agreement.

### **Acceler8 Update**

Mr. Dean provided a handout noting the minor seepage management problem with the EAA Reservoir and said they would be shoring up the walls on the EAA reservoirs. They were developing a test cell program for the C-43 reservoir and construction would start in June 2007. With regards to the C-44 Reservoir, an agreement had been reached with the landowners to acquire 12,000 acres in Martin County. He thanked Martin County for their leadership in restoration and noted their vote to contribute \$26.5 million to partnership for the acquisition of these lands. He closed by saying the construction start dates were available on the web site.

### **Working Group Update**

Mr. Jay Slack reported that the Working Group (WG) was continuing to assist the Task Force with its priorities for 2005 as well as teeing up issues to bring forward. To ensure alignment with the priorities and to focus their resources the WG had been reviewing the status of its regional and issue-based teams. He noted for example that ASR was an important issue with many uncertainties. To address those uncertainties the WG had chartered a team to develop an Action Plan. Thanks to the team, chaired by Mr. Richard Harvey, seven critical issues had been identified. Because the team had accomplished its goal it was retired and the WG would continue to monitor progress on the seven issues. He said the WG looked forward to conducting consultation for the Task Force on PIRs in the scoping and alternative formulation phases. He also noted their efforts to develop an updated restoration update briefing for outreach. Mr. Slack closed by recognizing the unbelievable restoration progress that had been accomplished on the Kissimmee River. Ms. Castille said she saw it in January and agreed it was amazing. She encouraged the agency heads to take their staffs to see it firsthand.

### **Science Coordination Group (SCG) Update**

Mr. Rock Salt reported the group continued to work through its priorities that included developing system-wide indicators. The team had coordinated with RECOVER and reviewed and approved guidelines for selecting key indicators or vital signs. He recognized the SFWMD for their assistance with the Independent Scientific Review of the initial Plan for Coordinating Science. A draft statement of work had been provided to Mr. Garth Redfield for review. The team was also coordinating with RECOVER to develop needs and gaps for the Phase II of the Plan for Coordinating Science.

### **CSOP Advisory Team**

Ms. Loly Espinosa provided a status report on the team's activities noting that a technical panel had been created to sift through the huge volume of technical information and to provide their technical assessments. Their challenge was to reach consensus with a diverse group with diverse perspectives. She noted that they were becoming more familiar with technical information and trying to understand the model results. The team had been flexible with their schedule to accommodate the CSOP PDT's schedule. She said Mr. Appelbaum would provide an overview of the Corps' planning process. Several technical experts who would provide their individual perspectives would follow his presentation.

### **Corps Planning 101**

Mr. Appelbaum reviewed the Corps planning process noting the scoping process was used to identify opportunities and constraints. The Yellow Book was the starting point. He said the decision maker selects the plan not the PDT. They want to ensure that they get most of the benefits upfront in case something doesn't get built later.

### **Expert Sub Team Overview**

Mr. Jerry Lorenz of Florida Audubon provided a presentation and reviewed the different alternatives. He said that alternative four, which came out two weeks prior, did not move enough water over Tamiami Trail and he would like to see more sheet flow moving across Tamiami Trail. Having so much water in the C-111 was undesirable because it's all released to the eastern part of the Bay. Most of the restoration of Florida Bay would be achieved through the C-111 and Modified Water Deliveries (MWD) projects through Taylor Slough and not CERP as authorized. He stressed his concerns with the S-356 pump capacity to handle seepage and flood protection for residents. He hoped policies were being consistent with the plan that was developed. Mr. Collins echoed those comments and added that backfilling the C-111 was always the starting point and the spreader canal was to deal with distribution of that water. The cost of backfilling

was calculated to be excessive but without backfilling, the spreader canal accomplishes nothing. Mr. Collins said he was not comforted by this information. Mr. May reiterated that Mr. Lehtinen had asked for five minute presentations from the experts and that this was intended to provide a current snapshot and not a final assessment. Mr. Salt said the issue was the distribution of flows between the panhandle area and Taylor Slough and trying to return the distribution to a more natural regime. Mr. Lorenz pointed out that there were limited choices on what they can evaluate. Mr. Collins said he assumed part of the answer was the 332 pumps. Mr. Salt added they were in the refinement stage of the C-111 buffer and that was in the alternatives the team is evaluating. Mr. Collins said he understood the issues related to seepage and it won't be cost effective if they didn't plug the canal.

Mr. Tom MacVicar said he represented all the agricultural groups and the City of Homestead on the PDT and added he's been working on this since the 80s. In the 80's the focus of the effort was the ENP expansion not MWD. But during most of the 90s the focus was not on this success but wrangling over MWD implementation. In 1989 Congress used the words flood protection and the Corps interpreted this to be flood mitigation. The 500 cfs pump S-356 is not big enough and won't keep up with the seepage. The buffer cell design was very important to the south Dade community which was opposed to the 1995 C-111 GRR but could live with it if the buffer cell was part of the final design. There was no operating plan in the 1995 GRR but somehow there was some definition of flood protection different than what was promised in 1995. There is opposition to taking 10,000 acres of productive agricultural lands out of production. The only project in CERP that improves flood protection in the whole comprehensive plan was the twenty four culverts in component OO. With this project, South Dade supported WRDA 2000. Now 5,000 acres east of the Frog Pond is designated as a storage area. These are acres in production. There is a disconnect between the other group drawing this on a map and the community is feeling "shut out". CSOP has been different. Now ENP is doing their own modeling, the SFWMD has a strong modeling team, and it is better than 5 years ago. The weakness is at the policy level.

Mr. Tony Cotarelo said DERM was evaluating the alternatives for flooding impacts in the agricultural areas. They compare alternatives 1-4 with Alt7R5 which is considered existing conditions. Their concern is that increase in groundwater level will negatively impact the French drains in Miami Dade County that they cannot afford to retrofit. They looked at WCA 3B, which is close to the developed area. He noted 2.5 feet of water over the land in WCA 3B for 4% of the time (considered an exceedance). Alternatives 1-4 increase the percentage of time these levels are exceeded and will cause flooding due to seepage to the east. For the L-31N canal near the 8.5 SMA a comparative analysis shows flooding at an increase of 1 ft. You get seepage to the east when groundwater levels are higher in the area east of L-31. The conclusion from Alternative 4 is that there is an increase in groundwater levels of 2 inches which doesn't seem like much, but can lead to more seepage/flooding. Those levels are worse than alternative 1, and better than 2. Alternative 4 increases the amount of time the 2.5ft. is exceeded by 17% as compared to present conditions (Alternative 75R). They would like to see: adequate conveyance capacity under Tamiami Trail; controlled seepage from S-335 to S-331; and passive control structures on L-67 to avoid high levels in WCA 3B. They want to see no flooding impacts to the urban and agricultural areas. Mr. Gene Duncan commented that the last rain event had the gate held higher than authorized and flooding was experienced.

Mr. Bob Johnson reported that Everglades National Park (ENP) was focusing on restoring Shark River Slough and WCA 3-B and he illustrated the flow patterns in WCA 3A to the southeast across the L-67 canal/levee. In the 60s, conveyance features were built that fragmented the marshes in this area. The 1992 GRR explains that the historic path of SRS will be restored by bringing WCA 3B and NESRS back into the flow way between WCA 3A and ENP. He illustrated all the alternatives. The West bookend moved the most water between 3A and 3B but couldn't move water south. You can rapidly move the water through the controls structures, but you need slow movement of water through the marsh as it goes south. Alternative 3 is similar to the west book end. Ponding in 3B causes an imbalance of the water budget. CERP is shown here for illustrations but this is structure flow, not overland flow. Two thirds of the water went through Shark Slough and one third went to western Shark Slough historically. This is the goal. Alternative 4 moves more water through 3B through greater outflows to the south end but not as much as in the 1992 plan. If you take more out you get the ability to move more in. With alternative 7R5 the problem is that 3B has subsided since its formulation and this is the same management regime that results in subsidence. If you want to stop subsidence, you can't use alternative 7R5 as the target. Moving water

through gravity, doesn't bring enough water through 3B, and won't be able to move water south and it certainly won't prevent the ponding we see in 3B now. 3A and 3B will have to share the effects: it will be higher in 3B and NESRS at some times, but if we don't balance that out, 3A will have water impounded all the time. Bob showed some historic photos from before C&SF. He doesn't agree that it's much wetter that it was historically. He said water levels have dropped 2-3 feet since historic period. You can't totally mitigate flooding but you can lessen the duration and to do that you need storage and detention areas.

Mr. Shawn Sculley recognized the Corps' modeling staff for allowing the PDT to proceed on schedule. Timing and distribution are going in the right direction as it relates to reasonable expectations of CSOP. There are good levels of flood protections on 8.5 SMA. CSOP is a first step. There are a high number of exceedences in 3B. He supports flows through 3A but not at the expense of 3B. The capacity and proposed operation of the S-356 structure are issues. Also, they need to operate S-356 for storm events and to prevent flooding. He recommended that analysis should include S356 performance, a barrier is important and any configuration for Tamiami Trail must be compatible with CERP. The location of the bridges must be placed in the historic flow ways.

Mr. Gene Duncan said that what was authorized were flows to the park to the extent practicable. Not every drop of water to Florida Bay, decomp, skyway, or four mile bridge. They should not hang every fix on the Modified Water Deliveries project. He said the 3000 feet bridge to pass 4000 cfs under Tamami Trail was authorized and nothing else. Need to build flood control for 8.5 SMA and pass the maximum amount of water to ENP to the extent practicable. He suggested declaring victory and going back to Congress. He urged them to stop trying to get restoration through Modified Water Deliveries. WCAs are getting second class treatment. The legislation says the Everglades in general and the Park in general. The west book end stacks too much water into the WCAs and the east book end still allows flooding in South Dade. When we said the 8.5 SMA buy out wasn't authorized, we were right but no one listened. The letters from the Committee Chairs stated straightforward what the Corps wants to do is not authorized. The L-29 levee will not be removed under Mod Waters.

Mr. Salt said they were hamstrung by what the predictive models can provide - the difference between empirical model and predictive information. DOI will not accept any CSOP alternative that will harm WCA 3B. It was possible that the model predictions were too conservative. Mr. Johnson pointed out that having natural flow through WCA 3B into ENP on the east and WCA 3A into ENP on the west was the goal. Cannot shunt water into 3B and allow water to pond in 3A. Mike pointed out that water could go south. Joe Walsh added that FWC was concerned about water in WCA 3B. He could not understand why WPAs were never looked at as a possible source of water into the ENP. Mr. Salt said DOI wasn't talking about that but rather the historic flows into 3B and then dealing with the short fall Joe was talking about in another forum/venue. Joe and Rock agreed that flow was the key - don't impound the water. Joe brought this up at the last PDT meeting. The perception of the ENP may be that the glass was half full and it all revolves around the ½ foot of uncertainty in the models. Mr. Collins said he hasn't seen anything in any of the presentations that water would get down to Florida Bay. He reminded Rock of the restudy meetings. There was only one way to get water in Taylor Slough, it will rely on pumps and the frog pond. He said there would not be a lot of Governing Board support if a way to fix Florida Bay can't be found.

Ms. Espino said that as they go through the process they have expectations for the buffer zone and Florida Bay. They all agree a little bit on the south end and will give it as much time as it needs at the meeting and will look at the performance of the models. People were focusing on the areas where there is disagreement. Mr. Ortner said his comment wasn't exclusive to CSOP. They are on the same page with Mike given the parameters, the restrictions in the model and what is expected of CSOP. He said NSM was an insufficient target. Florida Bay experts think this should be tweaked to be more accurate. Mr. Salt said that lots of meetings have been held to discuss holding more water in the canals. Mr. Collins asked what modeling has been done on the 332s. He hasn't seen these results. Concerns about flooding due to higher canal stages needed to be addressed while at the same time getting the water to run south. Ms. Castille said it was one thing to debate the results of different models, but Mr. Duncan said it was not authorized. "We've moved to an adaptive process, if we just build the 92 GRR, we know we'll have to just tear it out." Mr. Duncan said it was not meant to solve all ills and the 4000 CFS came later. If the canals were cleaned out then that amount could be delivered to ENP. He feared that folks were trying to circumvent the authorization and

hoping that Congress wouldn't notice. He said they need to go to Congress again to build anything else and urged them not to try pulling the wool over Congress' eyes. Ms. Castille said it was not pulling the wool over Congress' eyes but rather being responsible with tax payers' dollars. Mr. Duncan said not to "tack CERP onto MWDs". Commissioner Diaz said they must take care of the farmers, who cannot take anymore economic hits, as they move water south. He added that it was the proactive planning of the SFWMD and the Corps that avoided overloading the system during the last hurricane season. Mr. Salt said the stakeholder groups are in support of not sending excess waters south and flooding the farmers. Mr. Duncan referred to a specific site on the Miccosukee handout (Enclosure 3) page 198 (real page 6).

### **Public Comment**

Capt. Ed Davidson stated Florida Bay and the Florida Keys have been the recipients of past mistakes. The C-111 wasn't intended to drain south Dade nor was this the purpose of the L-31. The land was taken away from the tomato farmers who were paid 700 % of what they paid for it. Flood protection was a term that should not be used since it really means a one in ten year event. The C-111 was unplugged by the SFWMD and dumped polluted water into Card Sound which harmed the nesting crocodiles. He said the C-111 canal needed to be plugged and they need to go to sheet flow or it will be a travesty for the Florida Keys.

Ms. Susan Kennedy (Loxahatchee River Coalition) said North Palm Beach CERP aims to reconnect the system but the land acquisition plans and scope don't match this great plan. She asked that the scope and dollars be increased adding that \$65 million will not reconnect this natural system.

Ms. April Gromnicki (Audubon of Florida) said another 10,000 acres was needed for North Palm Beach and the Biscayne Bay Coastal Wetlands scope was inadequate. She suggested that since Congress was asking the right questions they should tell them what they need so that it would be reflected in the President' Budget. Ms. Castille announced Ms. Gromnicki would be moving to Washington, DC to become the Assistant Policy Director at Audubon.

Mayor Anthony thanked Mr. Dean for his service and for thinking about the poor people noting he has made an impact. Commissioner Diaz also thanked Mr. Dean. Mr. May said he first met Mr. Dean in 2000 and appreciated working with him. Mr. Dunlop said that success has many fathers and failure is an orphan. He believed the world would be astounded by their ultimate success adding that Mr. Dean was a great part of this success. The Everglades was looked at not only as a national model but a world model. Mr. Dean said it was his privilege and honor to participate over the last four years to accomplish good things for the citizens of south Florida. They were all there to serve the public and he appreciated the recognition. He said he had never seen a luggage rack on a hearse and added that "you can't take it with you" and they were all doing the Lord's work.

Meeting adjourned.

Enclosures:

1. Briefing Binder
  - a. Agenda
  - b. Task Force Roster
  - c. Draft Meeting Minutes, February 2005
  - d. 2005 Task Force Priorities
  - e. Project Implementation Reports Power Point
  - f. Guidance Memoranda and Pre CERP Baseline Power Point
  - g. Guidance Memoranda – Final Draft (April 2005)
  - h. Pre CERP Baseline – Final Draft (April 2005)
  - i. Corps' Restoration Power Point Update
  - j. 2005 Report to Congress Update
  - k. Acceler8 Map
  - l. Acceler8 Projects Update
  - m. Working Group Update
  - n. SCG Update
  - o. CSOP Advisory Team Update

- p. CSOP Expert Sub Team Overview
  - i. Corps 101 Planning Power Point
  - ii. Jerry Lorenz Power Point
  - iii. Tom MacVicar Power Point
  - iv. Tony Cotarelo Power Point
  - v. Bob Johnson Power Point
  - vi. Shawn Sculley Power Point
- 2. Barbara Miedema's written comments
- 3. Miccosukee Tribe comments