

*Approved Meeting Minutes
South Florida Ecosystem Restoration Task Force
Coral Gables, Florida
October 28, 2010*

Welcome and Introductions

Mr. Tom Strickland called the meeting to order at 9:40 am. He introduced Ms. Mimi Drew, Secretary of DEP, and thanked her for serving as Vice Chair for the remainder of this year. He recommended they address the election for that position next year. He also introduced Ms. Ignacia Moreno from the Department of Justice. Mr. Strickland recognized Mr. Mike Sole and noted his tremendous career in public service and recognized his service as the Vice Chair for the Task Force from March 2007 until September 2010. Mr. Strickland noted it was a pleasure working with him adding he is sure they will cross paths in his new position as Vice President of State Government Affairs for Florida Power and Light (FPL). Mr. Strickland presented Mr. Sole with a memento on behalf of the Task Force. Mr. Sole thanked everyone and said that public service has been his career for the last 26 years and he has loved it tremendously. He said the work of the Task Force is important to Florida and to the nation. There will be times of trouble fiscally and financially and it is only when they work collaboratively that they will see successes. He thanked Mr. Strickland for his leadership on the Task Force and on the BP oil spill adding that he did a tremendous job.

The following members were in attendance:

Tom Strickland, Chair, Assistant Secretary for Fish, Wildlife and Parks, U.S. Department of the Interior

Mimi Drew, Acting Vice Chair, Secretary, Department of Environmental Protection

Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, U.S. Department of the Army

Jose "Pepe" Diaz, Commissioner, Miami Dade County

Truman Eugene Duncan, Jr., Water Resources Director, Miccosukee Tribe of Indians of Florida

David Hawk for Linda Lawson, Director, Office of Safety, Energy and Environment, U.S. Department of Transportation

Ignacia Moreno, Assistant Attorney General, U.S. Department of Justice

Patty Power for Jim Shore, General Counsel, Seminole Tribe of Florida

Larry Robinson, Assistant Secretary of Commerce for Oceans and Atmosphere, U.S. Department of Commerce

Peter Silva, Assistant Administrator, U.S. Environmental Protection Agency

Carlos Suarez for Ann Mills, Deputy Under Secretary, Natural Resources and Environment, U.S. Department of Agriculture

Carol Wehle, Executive Director, South Florida Water Management District (SFWMD)

Shannon Estenoz, Special Advisor, Water Resources Advisory Commission

Greg May, Executive Director, South Florida Ecosystem Restoration Task Force

Mr. Strickland thanked and congratulated Mr. Eric Buermann, Ms. Carol Wehle and Ms. Shannon Estenoz on the important recent purchase of the US Sugar lands. Mr. Eric Buermann thanked the federal partners for their support which weighed heavily on the Governing Board. He noted that the New York Times editorial board endorsed the acquisition. On the Gulf Coast restoration, Mr. Strickland

stated that Secretary Ray Mabus presented a report to the President recommending among other things the creation of a restoration Task Force. The President has designated Secretary Lisa Jackson from EPA to head that effort and Mr. John Hankinson has been named as the Executive Director. The first meeting will be held in Pensacola on Monday, November 8. Mr. Strickland added that they are looking at this Task Force as the group that wrote the book on big ecosystem restoration.

Ms. Mimi Drew said she has been a lifelong public servant and that her first job with the state was with the Kissimmee River Restoration Council. She said she appreciated the opportunity to serve on this Task Force and couldn't think of a better place to end up, an environmental engineer who has spent most of her life being an environmentalist rather than an engineer. She will be the Governor's representative on the Gulf Coast Task Force and hopes to take away from this group some of the lessons learned. Mr. Larry Robinson said he was happy to see some of his former colleagues from the National Research Council (NRC) and was looking forward to hearing about the additional progress that has been made in helping guide their scientific direction. He said he will be representing NOAA on the Gulf Coast Task Force. He reported the President created the National Ocean Council and the principals will be having their first meeting on November 9th in Washington, DC.

Ms. Shannon Estenoz noted that at this month's WRAC meeting they discussed coming up with protocols and processes that give the WRAC a more structured way of giving input to this Task Force to include agenda synchronization so that the WRAC has an opportunity to deliberate on issues that will be before the Task Force. She said there is a desire to meet their water quality obligations while still keeping other important elements of restoration on track. The Governing Board is 100% committed to CERP and hydrologic restoration. She views this Task Force as the place where they make sure that the partnership is efficient and if there are policy solutions they try to make those happen. Ms. Carol Wehle said this is a cross roads for everyone and every agency that is part of the team. It is a time to be creative and it is frustrating to keep bumping up against process as opposed to solutions. She pointed to the Memorandum of Understanding (MOU) with USDA that she signed that morning as an example of a success story. They will be tapping into some conservation programs afforded by the Farm Bill that will allow them to address the storage of water on private lands as well as address the water quality issues north of Lake Okeechobee. Ms. Wehle said she appreciated the creativity of USDA to come up with this solution and challenged everyone to do more of those creative solutions to continue to build on the successes.

Mr. Eric Buermann welcomed everyone to Miami and thanked the federal partners for their support during the US Sugar acquisition. They were faced with unknown rulings and to have the federal partners there saying they supported it made all the difference. He gave kudos to the SFWMD staff for getting it done. He assured the federal partners that the Governing Board is committed to the vision that was laid out in 2000. The acquisition gives new opportunities and is viewed as something that will augment CERP. He thanked everyone and added that they have all the right people in the right places and just need the money.

Ms. Jo-Ellen Darcy said the people of this country look at Everglades restoration as a template for how to do things. They are going to be spending a lot of time together in the next couple of weeks in the

Gulf on similar restoration initiatives. Ms. Ignacia Moreno noted that the role of her division is to manage and conduct the litigation. While doing that they are supporting the efforts of many people that are around the table. She said it was her personal observation that many have demonstrated tremendous leadership adding this is a true partnership. She said she is optimistic they are moving in the right direction and have a historic opportunity to turn the corner. Mr. Peter Silva said he is pleased with the cooperation of the state, SFWMD and federal family. EPA understands the financial issues and is willing to work with all the agencies. He noted that the Office of Water will also be supporting the Gulf Coast and National Ocean Council efforts. Commissioner Pepe Diaz welcomed everyone and said he is also very impressed with the group and sees that more and more things are taking place. Mr. Carlos Suarez noted that Ms. Ann Mills sends her regrets. He thanked Ms. Wehle for her comments and noted Ms. Mills is very supportive of Everglades restoration.

Mr. Strickland acknowledged Mr. Don Jodrey who plays a key role at DOI and Mr. Mike Boots representing Ms. Nancy Sutley from the Council on Environmental Quality (CEQ). He presented the June meeting minutes for approval. Motion made and seconded, minutes were approved without objection. Mr. Strickland reported that the America's Great Outdoors Initiative was launched by the President on April 16th and there have been a series of listening sessions around the country to take ideas about what type of conservation agenda they should have for the 21st century. The key themes that have emerged are the importance of partnerships and trying to figure out creative ways to do more with limited resources. There are a couple of examples underway right now that are next on the agenda.

Habitat Conservation Opportunities

Fisheating Creek Wetlands Reserve Program (WRP) Project

Mr. Carlos Suarez explained that the Wetland Reserve Program (WRP) was authorized in the 1996 Farm Bill and subsequently expanded. The purpose is to provide technical and financial assistance to restore wetlands to their natural conditions. In Florida this has been done with permanent easements. WRP is managed by NRCS and the program received \$500 million nationally and out of that Florida received \$145 million. Mr. Suarez provided a presentation on the Fisheating Creek project which is located in the northern Everglades, one of the last frontiers for large scale land conservation in Florida. The project was first proposed in December 2009 -January 2010 and took the work of a lot of people to have it announced in July 2010. The project involves four landowners, five tracts of land and encompasses approximately 26,000 contiguous acres of land that meets the eligibility criteria in Highlands County. It has an estimated WRP easement acquisition cost of \$87.8 million. The partners include USDA, four landowners in Highlands County, The Nature Conservancy (TNC) and the SFWMD. The MOU was signed that morning and the goal is to restore the wetlands within 24 months. They are still in the process of signing another MOU with TNC to provide in kind services. The project will connect several tracts of public and private land and help form a conservation corridor from Central Florida to Everglades National Park (ENP). It will improve habitat for more than 19 federally endangered and threatened species and will address the Everglades restoration goal of improved water quality, quantity and seasonal distribution. The project will also benefit Fisheating Creek, Lake Okeechobee and the Everglades.

Greater Everglades Strategic Habitat Conservation Initiative

Mr. Mark Musaus noted Greater Everglades Strategic Habitat Conservation Area is north of Lake Okeechobee. The FWS was approached in 2009 by TNC and the National Wildlife Refuge Association (NWRA) to consider looking at an area called the Hatchineha Ranch, approximately 5,000 acres, as a potential National Wildlife Refuge. The intent was to have it be a part of the Lake Wales Ridge NWR. They realized the ranch has incredible habitats (wetlands, scrub and sandhill) with great potential for environmental education and recreation. In working with their partners they realized that anything they do in terms of restoration efforts only helps improve the restoration in the Everglades. Several key endangered species they could focus on include the Florida grasshopper sparrow, snail kite and the Florida panther. The FWS and DOI is looking at a much larger landscape and are using the Strategic Habitat Conservation (SHC) effort of biological planning, design and conservation delivery and using frameworks called Landscape Conservation Cooperatives (LCCs). One of the key things they are looking at is the impacts of climate change and sea level rise and how habitats and wildlife adjust and realized the importance of wildlife corridors. They also realize the importance of other less than fee title acquisitions such as conservation banks as well as the value of the rural ranching landscape. They held a mini listening session at Adams Ranch and got to see how much the ranchers do and how committed they are to seeing that area protected. They went into a detailed scientific assessment and looked at key threatened and endangered habitats for threatened and endangered species and looked at what the highest conservation values of the lands are and came up with a general footprint. They got approval for a Preliminary Project Proposal (PPP) that identifies a footprint of 50,000 acres that could be for fee title acquisition and another 100,000 acres that would be for easements. These conservation areas are an administrative boundary and they have not yet identified any specific tract of land. They have begun to collaborate on areas that have the highest priority and potential to work. They do not acquire lands unless there are willing sellers. They now have to do a land protection plan, rigorous scientific analysis, develop maps, NEPA/EA, ESA Section 7 analysis and provide the opportunity for public outreach.

National Research Council (NRC) Report

Mr. Tom Strickland noted that one of the key underpinnings of this effort is to base decisions on sound science. As part of that commitment and consistent with the requirements of WRDA 2000, the Secretary of the Army, the Secretary of Interior and the Governor of Florida established an independent review panel through NRC. The Committee on Independent Scientific Review of Everglades Restoration Progress (CISRERP) was asked to present a report every two years, an independent assessment of the progress on CERP and this is the Committee's third assessment. Mr. Strickland noted that a group of concerned scientists sent a letter to the Task Force members regarding water quality and water quantity trade-offs. Because the Committee's report generally addresses the themes in that letter and many others, for this meeting the Task Force will focus on the report's findings.

Dr. Frank Davis noted the Committee is a multi-disciplinary group and he reviewed the Committee's charge which included an assessment of progress in restoring the natural system, discussion of significant accomplishments of the restoration, discussion and evaluation of specific scientific and engineering issues that may impact progress in achieving the natural system restoration goals of the plan and independent review of monitoring and assessment protocols to be used for evaluation of CERP

progress. The Committee reaffirms the conclusions of its predecessor that continued declines of some aspects of the ecosystem (tree islands, peat loss and snail kite as examples) make accelerated progress of Everglades restoration more important now than ever. Two years ago the NRC Committee reported that the CERP team was bogged down in procedure, planning and administration and very little tangible restoration was taking place. This Committee found that there has been tangible progress over these last two years to include: beginning of construction on four CERP projects; making progress on important foundation projects; and moving forward with pilot studies. He also noted that after 10 years no projects have been completed and the cost of restoration has gone from \$8 billion to \$13 billion in 2009 dollars. Maintaining political momentum and public support for this is critically important and they need to be able to demonstrate tangible public benefits and tangible ecological restoration results as soon as possible.

The scientific foundation for decision making is found in Chapter 6 of the report. The Everglades is one of the most intensively studied wetlands systems on the planet and in the last two years there has been additional progress and advances in scientific understanding about climate change and water management implications of climate change, better understanding of the pre-drainage Everglades as well as better understanding of the formation and maintenance of the ridge and slough landscape. This Committee is reiterating what previous Committees have found that the science is strong. RECOVER is a good program and the most recent Monitoring and Assessment Plan (MAP) 2009 report is a significant improvement over its predecessor. There has been a loss of momentum in developing and refining integrated hydrologic, ecological and biogeochemical models to examine different planning approaches and inform restoration decision making and provide input for adaptive management. One of the three things of particular concern is whether or not the institutional structure is there to link the science findings back to decision making, planning and policy and needs to be addressed right away. The Committee is asking CERP to evaluate the effectiveness of the current stakeholder processes and how they can be improved. The hydrology of Everglades restoration has always been known but it is very hard to get the water right everywhere all the time and this has always been recognized in CERP. Right now there is not a good capacity to examine in a multi objective way the consequences of multiple trade-offs being made out across the system in terms of the overall benefits of one design versus another and the Committee is calling for better planning support tools to do that. The report also discusses some of the complex trade-offs between species and water in different parts of the system.

Dr. Davis said the Everglades Restoration Transition Plan (ERTP) process is an example where they have used multi objective reasoning in the way water management decisions are made and the Committee commends that effort. There is a detailed chapter on water quality but essentially it will be a lot more expensive, involve a lot more STA acreage and a lot of creative solutions to try and meet the water quality objectives of CERP. They are calling for all options to be on the table and a scientific, rigorous analysis of cost effectiveness of different water quality approaches as well as a combined strategic approach that includes all the tools. They are also calling for more research to better understand how to improve the sustainability and performance of STAs; better source control effectiveness and a better understanding of Phosphorus, particularly in the Everglades Agricultural Area (EAA). Dr Davis noted that even if they get a lot of the water quality control systems in place there will be many decades before the

system processes the legacy phosphorus. There is a long time period that they start to worry about the consequences of withholding water until it is clean enough versus using slightly more polluted water in order to avoid the negative consequences of excessive drying (peat loss and severe wildfires). They are not suggesting any particular trade-off at this time but suggesting it is the scientifically responsible thing for the scientists in south Florida to formally and rigorously analyze the consequences in this transition period of Everglades restoration. In particular, take a serious look at the environmental reversibility or irreversibility of the decisions they are making now.

Overall, the Committee finds that there have been tangible improvements over the past two years. Progress is still slow, need for restoration to accelerate and build on that momentum is more important than ever. The science program is strong and can benefit from better, more transparent mechanisms for integrating the science into decision making. There are challenges related to both water quality and distribution that have become increasingly clear over time, difficulty of achieving restoration goals simultaneously. CERP was envisioned as a 30-year effort and this Committee thinks 40 – 60 years is more realistic. The long time frames of transition require a more strategic look at how to manage the transition, more careful analysis of the trade-offs among Everglades features, water quality and water quantity, and understanding and communicating those trade-offs to the stakeholders because it is important to maintain public trust and credibility as this effort moves forward.

Mr. Gene Duncan noted the Task Force deals mostly with policy and while his comments are obvious to the scientists some on the policy side may not have thought about what the term ‘trade-off’ means. First, he noted that there are impacted areas of the Everglades near the discharges and those areas are expanding. Not only is it bad water quality but they have loaded the soil. Both DEP and EPA have determined that there is no assimilative capacity for any more Phosphorus in the Everglades. In addition they are not currently meeting the water quality criteria, but it is not just about water quality it is also about the hydrology. They have barriers in the Everglades such as Alligator Alley and Tamiami Trail so as the water flows, it ponds across those barriers and it is too deep in some areas and too shallow in other areas. It is in those too shallow areas that have led to over drainage and caused soil oxidation and peat loss. Putting clean water in shallow areas in the right quantity and quality will cause the water to be too deep and drown out the tree islands. Putting dirty water on top of loaded soils causes destruction of the Everglades. Any concept that they are going to put dirty water and trade-off water quality for water quantity means they intend to sacrifice the Everglades to get more water down south. They say that they have brought the Phosphorus levels down from 200 ppb to 50 ppb and the Miccosukee Tribe’s response is that the result is exactly the same, the Everglades will still die. Water quality is much more important than water quantity although they are interrelated.

Mr. Duncan added that state law passed this concept of net improvement and hydro-pattern restoration as moderating provisions and now they have rulings in federal court that say that both of those concepts violate the Clean Water Act. The concept of net improvement and hydro-pattern restoration goes back to the idea of putting partially clean water in the Everglades. When people say trade-offs they are talking about destroying the Central Everglades so they can have more water in the Park and Florida Bay. The East Coast and the West Coast Estuaries are tired of being blown out and they don’t want the dirty water. The folks at Lake Okeechobee don’t want the dike to break so they have lower lake levels.

The Park wants more water and Florida Bay needs water since they are dying of hyper salinity. They are talking about sacrificing the Central Everglades. The Tribe's position is that water quality has to come first and as they increase the treatment then they can increase the quantity. Mr. Duncan closed by saying that to do it in the wrong order means they will restore the Everglades with dirty water the Tribe will fight them at every turn. Mr. Strickland thanked Mr. Duncan for his candor and directness and noted he would not ask Dr. Davis to reply because they are asking the scientists to help them understand how to frame the policy calls with the best science information and he noted the next agenda item is on water quality.

Ms. Estenoz, on the nexus between science and decision making, asked whether the Committee received specific suggestions on how to make it better. Dr. Davis said some expressed concern that the scientists were being vertically cut-off from the decision making process and they were worried that the science voice was lost. The Committee said this is an important part of Adaptive Management and they need to make sure that link is strong and well articulated. Ms. Estenoz said she supports this Task Force looking at those processes and conduct some sort of audit or survey. She said she does not want the scientists to feel like they are voices in the wilderness. Ms. Estenoz, on the issue of trade-offs, asked whether the Committee was recommending that the analysis be performed or whether they were taking a position on what the trade-offs are. Dr. Davis explained that water quality and water quantity work in concert to produce ecological outcomes. The analysis is to better understand that coupling and the differences of how the water quality and quantity interact across that landscape. That science has not actually been done to the level that can support policy and management decisions. The science could be stronger in pulling the bio-geochemistry and hydrology together and the Committee is not recommending any particular trade-off at this time because of a lack of analysis. It is not about the final conclusion but about what happens during this transition. For example, peat loss takes centuries to replace. They have to think about it in terms of timing and spatial trade-offs.

Mr. Robinson noted that there are certain elements of ecosystem services that are on the decline and the Committee noted the limited capacity through modeling to help predict how they may look over time. From a policy perspective, it is an important capability to know the implications, for example loss of peat, on other ecosystem services. He asked whether it was due to unavailability of resources or the way they were approaching it as agencies. Dr. Davis replied the Committee sense was that it was both. CERP invested quite a lot up front in state-of-the-science modeling, both ecological and hydrological systems. The water management models are still state-of-the-science and they are moving forward. The Committee is reiterating what previous Committees have said and what they see as an important concern.

Mr. Buermann said it was important to recognize that they get competing scientific opinions and it is not because the scientists are wrong and they are probably all right. He knows that it is hard to reconcile the science and it is something they have been struggling with for a long time. Dr. Davis reminded everyone that the whole restoration is based on Adaptive Management. They do not have good enough understanding to predict outcomes across a system this big and this complicated with as many competing concerns as they have. The very best science needs to be brought to the process to ensure the science is delivering as much as it can to that adaptive learning process. Ms. Wehle complimented

the Committee and said they do pay attention to the Committee's reports adding that they have effectuated change. On finding more and better mechanisms, to make sure that science is a part of the policy and decision making, they already have an internal meeting to look at the existing processes and advisory committees and make recommendations to others on how to better integrate the science into their decision making. On the trade-offs issue, the recommendation is to work on developing a mechanism to take the best science and deliberate on it as a policy. They have not developed a systems model but systems modeling is something a lot of the major universities in the country are beginning to develop as disciplines. They will continue to have this argument until they embrace that type of systems model development and will bring forward a recommendation on that as well. The SFWMD welcomes this outside view and will move forward on those recommendations.

Ms. Patty Power said she remembered the meeting in West Virginia several years ago with Interior's Science Advisor (Jim Tate) to the Secretary at the time on how to better integrate science. The take away message was that they were all speaking English but they were not speaking the same language. They need to develop methods or processes that will allow the conversation to happen in an effective way. There is a tremendous amount of information out there and they need to ask what the next steps are to make it have an impact.

Ms. Wehle added there is no guarantee that they will ever achieve that number, no one else in the world has ever built infrastructure to treat the volume of water they are talking about and have successfully achieved that number. She asked what if the best they can do is to get is 14 and they just haven't developed the technology to get to 11. Do they forego rehydrating the Everglades with water at 14? Does 14 ppb cause irrevocable damage to the Everglades, if not what is the extent of the damage? That is a policy consideration that needs to be grounded in science. Litigation aside, she cannot promise that if they build A, B, C and D they will achieve the number people want them to, there is no guarantee. Knowing there is uncertainty, they will embrace putting these processes together to discuss what happens if they can't get there.

Mr. Strickland thanked Dr. Davis and the Committee. The Task Force is better informed with this ongoing input. This is a civics lesson on how they ought to be operating. There are complicated questions and they are doing their best with the best information they can get from the scientific community. He recommended that the WG and the SCG consider this report and these comments and come up with some recommendations to the Task Force on next steps. He also suggested the Task Force have a retreat/work session devoted to science.

Improving Water Quality

Mr. Strickland reminded the members that they started a general discussion at the last meeting on water quality and how essential it is to every aspect of Everglades restoration. Since that meeting EPA issued an Amended Determination on September 3rd.

EPA's Amended Determination

Mr. Jim Giattina noted they are still in litigation and his ability to respond to certain questions or engage in certain discussions was limited. He thanked DEP and the SFWMD for their efforts and cooperation.

At the end of the day the Amended Determination represents EPA's judgment with regard to the appropriate path forward. EPA is focused on responding to Judge Gold's order and decision of last April and focused on the requirements for the STAs to treat the current flows into the Everglades Protection Area. Mr. Giattina provided a presentation and added that the Amended Determination directly responds to each point in Judge Gold's order. EPA took the order very seriously and viewed it as an opportunity to move the process for achieving water quality improvements forward and to build on the work and accomplishments that have been achieved thus far. They directed changes in the state water quality standards and in the EFA amendments, they directed the state to assess cumulative impacts and they provide specific instructions to meet the water quality based effluent limits. The water quality based effluent limit translates the 10 ppb total Phosphorus long term geometric mean criterion into a NPDES permit discharge limit. They developed a two part water quality based effluent limit. The first part cannot exceed 10 ppb as a geometric mean annual average in more than two consecutive years. This is directly related to the ambient water quality criterion adopted by the state and formally approved by Judge Gold. Second part is the 18 ppb annual maximum flow-weighted mean and that sets a cap and accounts for loading to the system. Both parts have to be achieved in order to achieve the ambient water quality standard. The limits are implemented through the conformed NPDES permits that the judge ordered.

For the remedy and milestone considerations and assumptions they modeled the STAs to a 9.3 ppb total Phosphorus target which is below the 10 ppb water quality criterion. They did this to provide a margin of safety in determining the size of the STA expansions. They provided critical path interim milestones based on land acquisition, detailed design, construction, flooding of the STA expansions before the construction is final and ultimately discharge from the STA consistent with achieving the water quality based effluent limit. In developing these interim milestones they looked at the historical practice the District has implemented over the years and they also consulted with experts on what the appropriate timeframes were. EPA believes these are aggressive but achievable timeframes.

Mr. Giattina reviewed the summary of remedy by flow path. They divided flows into the eastern, central and western flow paths. The total additional acreage needed is approximately 42,000 acres of STA expansions. If they take into consideration the recent land purchase and the ability to use the A1 and A2 Reservoirs then the additional acreage needed would be 7,600 acres of newly acquired land in the eastern flow path. In the Amended Determination they left the door open, consideration for an alternative approach in the eastern flow path using a potential rock basin and the District can consider that option. He reviewed the key issues for STA expansion noting that the time frames range from 2014 up to 2020. There were a number of key issues and they had to build in some contingencies and alternatives depending on decisions that were made after Sep 3rd such as their ability to utilize the A1 and A2 reservoirs under consideration in Judge Moreno's court as well as the pending land purchase that has since been ratified by the SFWMD. With regard to the remedy alternatives to meet the WQBEL, it involves a complex mix of STAs, flow equalization basins and source controls and all of those things need to be pursued. The SFWMD can, within 60 days, evaluate the Amended Determination and recommend alternative remedies. Any alternative remedy must achieve the water quality based effluent limit in the same or shorter time frame identified in the AD. They gave themselves 45 days to

evaluate any alternative proposals to determine if they would agree or disagree. Next steps include getting conformed NPDES permits from DEP and alternative remedies from the SFWMD on Nov 2nd. EPA then has 45 days until Dec 17th to make a decision on alternative remedies and they are also waiting for the rescheduling of the hearing before Jude Gold.

Mr. Duncan said that imbalance occurs at 10 ppb and everyone recognizes there is temporal and spatial variability within the system. Instead of looking at the variability within the marsh, EPA looked at the variability in the treatment ability of the STAs. The WQBEL is based on the technology of STAs and how they have performed rather than what the variability is in the marsh. Mr. Giattina said EPA looked at both and determined they were very similar so they believe that the limits will achieve those ambient standards.

Ms. Estenoz noted her concern that when they look at A1 as an STA, which is the right land use for that, they then have to replace that storage because CERP anticipated a certain amount of acre feet of storage. She cautioned that they can't let these other things fall off the table. Ms. Wehle said that a lot of public policy discussions need to happen concerning water quality. Say they can engineer an artificial wetland to get them consistently to 11 - 11 ½, would it be better for the Everglades to treat 100% of the water first before sending it south or is it better to treat a certain percentage, build the storage and start sending it south. Before they can deliver the water south they need to store a volume of water and then treat it and convey it and that includes money for DECOMP and Seepage Management. If they only look at water quality and solve that issue from a volume standpoint are they doing the best service to the Everglades. By forcing them to only build water quality projects first they are making a decision to not begin rehydration of the Everglades. Ms. Estenoz said the public policy question is about whether or not they can do them at the same time and that has to be informed by the science. She asked if there was a way to do it differently so that they can move these things forward as the same time. She asked how they could marshal the power of this powerful partnership to do as much of this as they can in as short a period of time. She also asked if there was a combination of projects, funding mechanisms and creative policy solutions that allow them to do all of that.

Public Comment

Mr. Pete Quasius (WRAC and Collier County Audubon) said three words "nitrogen, nitrogen, and nitrogen", they talk a lot about Phosphorus but as soon as it hits the marine environment their problem is nitrogen not Phosphorus. They are making some progress on distributive storage systems where they can attenuate the flow and they are hopeful they can get the C-43 West Reservoir built as soon as possible which will help with the salinity balance. Those seagrasses are vital for their quality of life and their economy. The issue of long term storage has to be dealt with as well as droughts and multi-year storage. This is a very complex and awkward situation. He described the discussion that morning as "fascinating" and said he wanted to be a part of the stakeholder group on Adaptive Management. They need to put shovels in the ground and keep building stuff and adapt if they don't work.

Ms. Jenny Conner (The Nature Conservancy) on the northern Everglades issue, thanked Ms. Mills, Mr. Suarez and others and congratulated NRCS for thinking at such a large scale. She applauded the ambitious schedule. She thanked Mr. Musaus and FWS for engaging TNC in the process from the

beginning and said TNC looks forward to continuing the partnership. She thanked the SFWMD for being an amazing partner, in particular Mr. Garrett Wallace.

Mr. John Arthur Marshall (Arthur R. Marshall Foundation) said the foundation applauded the expansion of the Everglades ecosystem and the inclusion of ecosystem services as an emerging theme in the Plan for Coordinating Science. Recent ecosystem services studies and analysis indicate that the value of restoring these lands start at benefit to cost ratios of 4 to 1 and the Foundation thinks 6 to 1 is more representative of what the complete restoration of the Everglades will bring. While these methods differ substantially the outcome is basically the same. The Foundation did its own studies and the 6 to 1 benefit to cost ratio exceeds the Corps' go – no go criteria and appears to make more sense than habitat units and benefit to cost analysis. As to absolute values of the restored ecosystems they note that this is just an estimate and a projection of what will happen in the out years. They think the analytic value of this approach is consistently applying the methodology to different configurations for a robust analysis of alternatives. The question is should the ecosystem value approach be applied to CERP without an overt mandate to do that. Given the robust benefit to cost ratios, he said that maybe it is time to give more consideration to this approach for decision support. He noted that the draft Report to Congress (RTC) gives some credit to Defenders of Wildlife and others who have done stuff that is of significant economic value. He closed by saying that if they can't put value added on the work they do, what does it say for hope of restoring the Everglades.

Mr. Eric Draper (Audubon of Florida) acknowledged the Biennial Review and its focus on the progress made over the past year. Noted his handout was on the back table. On the water quality issue, Audubon believes that much more can be done with BMPs and source control in the EAA. They continue to manage the farms in the EAA for maximum production and maybe trade-offs are needed. The SFWMD is getting ready to release the Lake Okeechobee Protection Plan and for a long time they have been postponing policy changes that they need to make in the Northern Everglades. Until they deal with the Phosphorus and Nitrogen budget in the Northern Everglades and the huge wash of nutrients coming down through the Lake Okeechobee system any amount of effort they are doing will ultimately fail. Audubon is calling on this Task Force to take a serious look at the need to advance that. Three years ago they went to the Legislature asking for the elimination of the dumping of sewage sludge in the Northern Everglades and they still have not seen enough progress to phase that out. Alternative water supply has come to be the re-use/reclaim wastewater which is loaded with nutrients and the use continues to be expanded. It has been 30 years since they have updated their stormwater treatment process and they cannot continue to use the same treatment rules and accomplish their goals. Finally, with regard to the headwaters and the National Wildlife Refuge (NWR) proposal, Audubon thinks it is a great idea. Audubon and other organizations want to make sure there is parity treatment for the Panther National Wildlife Refuge that is overdue for expansion.

Ms. Julie Hill-Gabriel (Everglades Coalition) said that all these substantive things depend on continued support from the community, Congress, Florida Legislature, local governments and everyone across the board. The Everglades Coalition has a resolution supporting the valuing of ecosystem services and is asking the Task Force be used as a forum to forward the utilization of those methods. The Mather

Economic Study sponsored by the Everglades Foundation shows that Everglades restoration can create 440,000 jobs and every dollar invested will get \$4 in return.

Ms. Martha Musgrove (Florida Wildlife Federation) said she commended NRCS for their efforts in putting together the Wetland Reserve project. The Florida Wildlife Federation is very active in the Kissimmee River Valley now called the northern Everglades. She has spoken to some of the ranchers in the area and there is a lot of excitement about the project. Some of these lands are indeed pristine and some are owned by the same family who received it in Spanish land grants. This is the heartland of Florida which has been overlooked and they look forward to linking it with Fisheating Creek and the Panther Refuges to establish wildlife corridors. Fisheating Creek is an essential part of cleaning up Lake Okeechobee and protecting the environment at large. The payment for environmental services program of the World Wildlife Fund continues to look good and they look forward to seeing how they can extend the concepts and programs that value the natural system for its environmental services.

Ms. Dawn Shirreffs (NPCA) noted all the progress that has been made and said they are missing opportunities for early stakeholder engagement. They need to have these conversations and make decisions collaboratively or they are going to have more litigation, delays and higher process. NPCA is supporting the creation of a stakeholder advisory team under the Task Force. Important to increase transparency and open communication that is limited by FACA constraints. She ended by saying that if they can work together on operations they might find a way to expedite restoration.

Ms. Jennifer Hecker (Conservancy of SW Florida) on behalf of the Conservancy's 6,000 members applauded the Fisheating Creek and Everglades conservation initiative. On water quality, they understand the difficulty in balancing competing needs and priorities. They need to strive to make continual progress on each of these fronts simultaneously, especially with regard to water quality and quantity. While they know they cannot do it all, both the financial and water resources available need to be shared amongst all of the needs and areas. They should never consider sacrificing one area or priority for another. They should not be afraid to set and keep strong science based goals such as designated uses, numeric nutrient criteria and water reservations to direct their decisions. She echoed what was said earlier about source control adding there is much more they can be doing with source control, of both Nitrogen and Phosphorus. She said it was painful to watch more permits being issued with insufficient stormwater treatment standards and they need to adopt better regulations that require more BMPs and source controls. Source control and added treatment will get them to restoring south Florida's water resources including the Everglades and they support these efforts to that end.

Mr. Drew Martin (Sierra Club) said they also applaud these efforts adding that it is important to work with agricultural interests in the state to keep agriculture. One of the biggest concerns they have is that they will lose too much land in Florida to development that will be needed for restoration. Local counties are allowing them to build too quickly and they now have an opportunity to promote Everglades restoration as a way to produce jobs. They need to work with the counties and prevent expansion into sensitive areas. BMPs need to be strengthened and they have to do more to protect the estuaries which are not going to be willing to wait another 10 – 20 years. They support efforts to build STAs but the Sierra Club believes they need to have a natural flowway that cleans the water rather than

a managed system. They are concerned with deep reservoirs and ASRs and do not believe they are going to work because of water quality.

Improving Water Quality – Continued

Ms. Wehle noted her presentation goes to the heart of what the CISRERP Report talks about in dealing with existing constraints and doing an analysis of what is the path forward. She thanked her partners in Florida adding she believes there is a tremendous group of people working on Everglades restoration and if they had the opportunity to engage in a conversation on how much money they can bring to the table and the programs they have they could come up with an excellent plan of action, one that would maximize the benefit to the Everglades. Unfortunately, they do not have that luxury. The SFWMD's budget, as the local sponsor in Everglades restoration and their ability to participate as a full partner with the Corps is critical to both the SFWMD and the Corps moving forward.

She reviewed the 2011 budget, noting they have \$188 million in their budget to run the C&SF system. As their revenue source has dropped over the past few years their baseline operating budget has done nothing but grow due in part to an aging infrastructure. They have a plan of action for the refurbishment of the C&SF system at approximately \$60 - \$70 billion because the infrastructure is over fifty years old. STA compartments B&C will come online and add \$3.4 million a year for O&M, Picayune Strand will add \$100,000 per year and the ROG acquisition will also add to O&M. They just received the report commissioned by the Corps for the East Coast Protective Levees and it will be approximately \$20 - \$30 million to bring it up to the standard necessary to afford the flood control protection necessary for 5 million people. The ocean has risen over the past couple of decades, approximately 9 inches and they believe it is going higher. Four of the coastal structures no longer operate during high tide. The SFWMD is going to put together a 25-year retrofit program for the Governing Board to deliberate on next year. They are continuing with completion of automation of their system with the goal to control it remotely. They have \$332 million to finish the projects such as the C-111 SC that they have already started and there are no new starts in their budget this year. In design and construction for water quality and restoration projects they have \$160 million for the completion of existing projects. The SFWMD is costing the EPA recommended Amended Determination at approximately \$1.5 - \$2 billion. When they put that cost estimate together they used a conservative approach. As they move forward building their budget, there are uncertainties with project costs and federal cost-share.

The taxable value has gone down in real estate in the 16 counties that comprise the SFWMD. The economy has hit Florida hard and the taxable value has gone down by 70% in the real estate sector and 30% in the commercial sector. They believe there will be a pick-up in foreclosures in the commercial arena, so most of the counties, cities and the SFWMD are projecting another 5% reduction to the ad valorem tax base next year. For a long period of time in the beginning part of the decade they were in double digit increase and a big boon occurred in 2007. There was a 24% increase and it was this increase that the SFWMD was relying on to dedicate to Everglades restoration. As their tax base grew they dedicated almost 100% of that revenue growth to Everglades restoration. With a 5% reduction in revenue growth next year they will be back at FY05 but the difference is that they have a \$35 million debt service payment every year which is now a fixed expense. The SFWMD is back at FY 2003 in terms of having revenue for their operating budget and capital expenditures. The SFWMD relied heavily on

state funding such as Save Our Everglades trust fund for acquiring lands for CERP and Florida Forever which they were using for land acquisition for the Kissimmee River restoration and the inverse condemnation suits. This year they received \$47 million for the Save our Everglades, the high was \$194 million in 2008. They received no funding for Florida Forever for the past several years. Revenue sources have dropped approximately 48% in the last 3-4 years. Save our Everglades, by state statute half is allocated to the northern Everglades initiatives and the other is dedicated to CERP.

Ms. Wehle stressed that over the next decade their O&M budget needs to increase by \$11.8 million to accommodate the projects being constructed by the SFWMD and are the full responsibility of the District. Personnel costs at the District are \$192 million and many of the core missions that were contracted out will be converted to FTEs in FY11, the savings will be approximately \$12 million. Discretionary funding will be \$40 million for the SFWMD and they are in a dire situation. The first mission is continuing to operate the C&SF system and the 7 million people that would be negatively impacted if the District did not perform their flood control duties. If they all had the opportunity to come together and look at their financial resources and the programs that they have and look at what is the best way to accomplish the most benefit for the Everglades in the next decade, she believes that they could do it. Creating that atmosphere and that opportunity is going to be a huge challenge.

Mr. Duncan said the environmental groups criticized them for opposing the sugar bailout. The state had enough money to buy the land but not enough to build anything on it. With a 43% reduction in state funding, water quality is important and they had a policy choice right up front – two decades ago – do they stop the pollution or do they allow the pollution and continue to use public money to clean up the pollution. They chose to allow the pollution to continue and now they do not have enough money to clean up the water. Buying land does not treat water. Feds are saying that water quality is a state responsibility and were it not for the feds and the C&SF project the Everglades would be in good shape. He does not agree with the feds walking away from water quality adding that it is time for the feds to step up and start building projects with federal money. He said it will be 20 years before the SFWMD can come up with more money.

Ms. Wehle stated that the Governing Board, when they were deliberating on US Sugar, knew going forward what the challenges were. They can't build projects if they don't have the land. Board did target two parcels that are inextricably linked to the water quality issue. When there was growth they did put aside money to be able to build as many projects as possible with cash to minimize the borrowing and not burden the tax payers of south Florida. There is anywhere between \$12 - \$15 million per year over the next decade of increased O&M expenses for new Everglades construction that is going to come online and the money will come from the \$40 million.

Mr. Buermann agreed with Mr. Duncan, they need money, partnership money. If they were forced to do everything that is being thrust upon them, they do not have the money. The Governing Board has taken the position that the worst thing they can do is raise taxes and have said all along that if they did not have the money they were not going to do it. They had \$300 million and now have \$100 million left. Ms. Wehle said it was important to note that they are very close to being in a deficit situation with the Corps of Engineers. There will be no contribution from the SFWMD for CERP for awhile. There have

only been three projects (Picayune, IRL and Site 1) approved. She questioned how much planning they could afford to do adding that every dollar spent on planning for a project yet to be approved by Congress is a dollar they can't spend on a project. The SFWMD is only going to work on plans that have the chance of going to Congress and getting authorized. The SFWMD has to get credit for the land they bought in advance of the PIRs being approved by Congress so the Corps could continue to get appropriations. Ms. Darcy said they have credit that could possibly take them out for about three years.

Mr. Strickland said it was a focused presentation that raised important policy and political considerations for the Task Force. They could put a similar presentation on the federal situation. This administration has put over \$600 million into this ecosystem. This is a high priority and they do fight this fight at OMB and they have to be more creative. He added that maybe they need to get to the source of these nutrients since the cost of treatment is so high. Ms. Wehle said they are never going to be equal but they are together. This is a long term systemic issue for the SFWMD and they are subject to the tax reform passed in the state of Florida. After the stimulus funding all indications are that the feds are going to be in a downturn as well.

Commissioner Diaz said he has been listening to this for a while and described it as frustrating. Miami Dade County no longer has the money they used to. The County dropped \$400 million from its budget and people are getting pink slips. He echoed the idea of having a retreat and have everyone sit down and re-focus. They have to prioritize based on what the realities are in this country.

Ms. Estenoz said they are all talking about CERP. They have been handed other priorities by the judicial system and the Florida Legislature and they are doing their best to meet their obligations. There may be some answers in the IDS and the cost share framework and whether they are doing the right projects first. CISRERP Report said it, it is not just about where they end up but how they get there, the path to a restored Everglades matters. The 1999 Yellow Book had \$1.1 billion worth of ASR and that is not going to happen and they never had a formal contingency plan. The US Sugar acquisition is directly in response to what they are being asked to do by EPA and Judge Moreno.

Tom Strickland said this is the same debate being held by every level of government and family across America, the idea is to frame the issue up, it is the new reality and should cause them to revisit their priorities. He noted the terrific points made. Ms. Wehle said CERP is over \$13 billion, water quality will be an additional \$2 billion and the Northern Everglades plan another \$5-\$10 billion. The solution to this issue is billions and billions of dollars and she didn't know where the money is going to come from.

Cost Sharing and Scheduling Issues

Cost Sharing and Scheduling Issues

Mr. Stu Appelbaum reviewed the IDS from June 2010 noted that since it was originally put together they were making minor adjustments. There are a number of challenges, issues and constraints with the water quality litigation, US Sugar acquisition, funding challenges, process challenges, and changes in priorities and it is time to revisit the IDS. He said he was astounded by some of the graphics used at the Everglades Foundation Summit in June. He thanked the Everglades Foundation for being the genesis of the idea and provided an animation showing various projects from the IDS starting with the Kissimmee

River Restoration. He clarified this is just a tool to help them illustrate the projects. The second phase of this effort will illustrate a sequence and show what it means for cash flow, metrics and outputs. It will be a lot more difficult to depict what it will mean in terms of benefits for the natural system. It is still a work in progress and they will continue to work on this over the coming months.

Mr. Strickland said it was a tremendous tool and will be helpful to them as they are making their case in Washington with appropriators. He also thanked the Foundation for making it available. Ms. Drew said it would be helpful for the audience to put in dates and dollar amounts. Ms. Estenez suggested they also include, in a future generation, some more familiar performance measures, show as a function of time, the return frequency of damaging discharges. Mr. Appelbaum said he is always struck with the right way to explain a project. The hard metrics such as acre feet of storage they can do but the MFL violations, for example, require modeling and are much tougher. This is a simple approach and going beyond that is something they have to think about how to do in the future. Ms. Estenez said it makes sense as they think about CISRERP and choosing the right path forward that they may need to come to terms with ecosystem benefits delivered as a function of time.

Integrated Delivery Schedule (IDS) Cost Sharing Issues

Mr. Tom Teets noted his presentation would provide the District's perspective on the IDS and how cost sharing works within CERP as well as some outstanding issues they are working through with the Corps that could affect cost sharing. WRDA 2000 gave them the ability to cost share across projects as projects are authorized and appropriated and they sign agreements. They executed a Master Agreement about a year ago which allows them to do the cost sharing. WMD receives credit for costs associated with land acquisition and in kind work on construction to avoid a required cash contribution, federal expenditures must be less than the total of SFWMD's actual credits plus projected contributions. The Corps will recognize the SFWMD's projected contributions immediately upon signing a Project Partnership Agreement (PPA) for the value of all lands needed for the project and the cost of construction completed prior to signing the agreement. As an example, for the Picayune Strand when they signed the PPA they received credit for the land they had acquired and also received credit for the work done on construction for the Prairie Canal which was a subset of the overall project. He reviewed some of the other Master Agreement procedures which include having quarterly financial reports and making yearly adjustments to maintain the 50-50 cost share balance. The District can never get behind the Corps on the 50-50 cost share and they have to monitor that closely. To maintain the 50-50 they can revise construction responsibilities for upcoming years, provide federal funding for land acquisition, reschedule execution of PPAs, adjust construction schedules and provide cash contribution as necessary. PPAs have been executed on Picayune Strand, L-31N Pilot, Melaleuca eradication, Site 1 and Indian River Lagoon (IRL) South. Execution of the IRL places the SFWMD ahead of the Corps through 2012. He reviewed the proposed WRDA Projects which include the Broward Water Preserve Areas, C-43 West Reservoir, Biscayne Bay Coastal Wetlands – Phase 1, and the C-111 Spreader Canal. Other projects that they are looking for opportunities for crediting with other authorizations include North Palm Beach, DECOMP, ENP Seepage and Lake Okeechobee Watershed. The North Palm Beach project is cash rich in terms of crediting. Ms. Wehle said they need to pull that one forward in the IDS.

Mr. Teets stated that water quality, one of the cost sharing issues, has been a challenging issue to work through since before the Yellow Book. There is a difference of opinion as to interpretation of the ASA memo. The water quality cost share issue has delayed the Lake Okeechobee PIR for over three years. The current USACE HQ policy interpretation could result in making over \$500 million worth of water quality features not cost-sharable. This issue needs to be sorted through. Agrochemicals is another issue they are sorting through. He reviewed the criteria designated in letters from the ASA's office for cost sharing. He clarified these are not situations where they have real hot spots on a piece of property because when they acquire lands they do an extensive EA and identify hot spots that are the responsibility of the landowner. These are situations where they have low levels of these substances on the land and when they convert from agriculture type use to a use for restoration. The SFWMD has worked extensively with FDEP and FWS on developing the protocols on how to deal with these situations where they have identified elevated levels of agrochemicals. They are more cautious when they start to put a project in. He noted the majority of the lands they use are on agricultural lands which normally have pesticides used on them. Example, in the C-44 Reservoir where they observed elevated copper levels in an area used for citrus and there was accumulation in the soils and their criteria was to keep the level below 85 ppm so that it would not harm the snail kites.

The current policy approved by Secretary Darcy may reduce the non cost sharable portion of the soil management plans for addressing agricultural chemicals. The criteria for cost sharing include a need for an approved soil management strategy and the engineering risks need to be adequately addressed. There are issues due to changes in policy and how they interpret that policy. They have to sort through this on a project by project basis. There are approaches they can take such as changes in Army policy to authorize the USACE to recommend cost share in a PIR for specialized handling of agrochemicals meeting proposed criteria or CERP specific authorization in WRDA to allow cost share for specialized handling costs. Wetland mitigation is more of a cost issue as opposed to a cost share issue and when the SFWMD implements projects ahead of the Corps there is a wetland mitigation analysis that has to be done. There is some inconsistency between the civil works and regulatory process. The SFWMD received a letter from the USACE indicating that the SFWMD must provide mitigation for more than 15,000 acres of wetland impacts prior to the expiration of the EAA A-1 Reservoir permit on July 11, 2011. The SFWMD's ability to build restoration projects on property purchased from U.S. Sugar will be adversely affected by the continued requirement of mitigation for wetland impacts on a project by project basis and they need a more comprehensive approach. A note of progress is that EPA is considering the proposal to allow mitigation within the footprint of the STAs.

Ms. Estenoz asked why it is stated that the SFWMD 'will be adversely affected' if they continue on a project by project basis. Mr. Teets said it is not too much of an issue for an STA but if they are building a reservoir then they would have to be looking at what kind of mitigation would be required. That is the way the 404 process works, any impacts on wetlands would have to be evaluated. In the Corps' Civil Works process it is deemed a restoration project which is self mitigating. Ms. Wehle clarified there is an economic consequence and if the facility were constructed by the Corps they would not have to mitigate and it would cost x, but if the facility is constructed by the SFWMD it would cost x plus the increment for the cost of the mitigation. If they are both constructing restoration projects then either both require

mitigation or neither. Mr. Teets stated that on the issue of prior converted wetlands, the application of the exemption would mean less exposure to the District particularly within the EAA area. As USACE projects move forward in the Corps' process, Corps staff have supported and documented the self mitigating nature of the CERP project components. The USACE should apply this concept consistently within the agency, including the USACE Regulatory staff. EPA, Corps, CEQ, SFWMD and FDEP should develop a system-wide approach consistent with the Corps' Civil Works process.

Cash Flow and Credit Analysis

Mr. Stu Appelbaum said they have adjusted the IDS and the October 2010 draft reflects schedule shifts, actual budget, stimulus funds, PPAs that have been signed, etc. They have moved the North Palm Beach Part I Project onto the front page. With the Amended Determination, added Central Everglades Storage Project in lieu of EAA Reservoir/STA – there is the recognition that storage will be necessary and yet undefined. A lot of good work was done through the ROG planning process. Cash flow and crediting analysis have been divided into three generations. First generation looks at three projects authorized in WRDA 2007. The second generation looks at four projects they are working on for the next WRDA. The third generation is everything else to accomplish what they have laid out in the IDS. There is approximately \$2 billion worth of creditable activities according to the SFWMD and \$1.2 billion remaining in credits that have not yet been realized. Mr. Appelbaum reviewed several cash flow and credit analysis scenarios for each of the three generations. Current recognized credits for SFWMD will allow for continued CERP implementation through at least FY 2013. They need to try and capture those credits to keep the program moving, after 2013 the picture gets cloudy.

Mr. Gene Duncan noted Ms. Estenoz' comments earlier as to whether these projects were the best use of their money, knowing what the priorities are. Case in point, Tamiami Trail bridge will increase flow south, increase seepage, increase the risk of flooding and increase the amount of water quality violations going into the park. They are going to build a bridge they cannot use and it is important that they do no harm. A policy level decision to put quantity of water above quality of water and that kind of decision hurts the Everglades. As they go forward with these PPAs it is incumbent upon them that they do no harm.

Ms. Carol Wehle noted their concerns that solely by federal action such as building Tamiami Trail there is a potential for violating the numbers in ENP. The federal government is not held accountable for ensuring the quality of water delivered to ENP is okay. The fiscal responsibility for the violation of water quality falls to the SFWMD. It is extremely disingenuous to not even address water quality when they are building projects. They can't afford to be financially responsible for the violation when it was not even their action. There has to be treatment and they are just shifting that burden to the state and the SFWMD. Prefer to address these issues outside of litigation and hoped they could find a forum to address those water quality issues while they are building those projects.

Mr. May asked for clarification on when the cash would become necessary. Ms. Wehle replied that staff is reconciling creditable versus non creditable so 2 to 3 years. Mr. May noted the concern over the design contributions and he asked whether that will impact the next WRDA. Ms. Wehle said they are committed to help with the next group of projects but there are some policy considerations such as the

agro chemical and water quality issues that need to be reconciled. Mr. Strickland said they need to step back and figure out the right forum to discuss these issues. Ms. Darcy said that a lot of their planning and going forward is based on authorizations in a WRDA bill that may or may not happen and they need to think about that in their planning.

Public Comment

Mr. Patrick Hayes (Martin County Commission) agreed this is very complicated with a number of moving parts, like a chess board. He reminded everyone that this is the south Florida ecosystem restoration Task Force not the Task Force for 10 ppb into ENP. For several years, many have been baffled that they talk about 10 ppb in one part of the system and no ppb in other parts of the system, it is unconscionable. The tradeoffs are not benefitting the system as a whole. He said he was disappointed to learn that the North Palm Beach has been moved to the third set and the District will not be reimbursed for another 12 years. It is now 2010 and they are being told it will be another ten years for this project. His constituents will find this unacceptable. The reason they have so much in the ground already is because the District went ahead as part of Acceler8. They were not constrained like the Corps' projects seem to be. They need to ask themselves where their priorities are and where their dollars will be spent. He urged them to make the North Palm Beach project the poster child for the first completed project.

CERP 2010 Report to Congress

Mr. Appelbaum noted the report is required by WRDA 2000 every five years and is a joint report submitted by the Secretary of the Army and the Secretary of Interior and added that the SFWMD played a key role. Report requires determinations by the Secretaries and the EPA Administrator on the benefits achieved. This is the second of these five year reports with the first report prepared in 2005. They have made a lot of progress over the last five years in terms of beginning to get projects authorized and implemented. He noted he was presenting the report to the Task Force as part of the consultation requirement. The draft report was posted and out for comment for 30 days. He highlighted the five years of progress to include Tamiami Trail, Kissimmee River restoration, WRDA 2007 and Picayune Strand. The SFWMD through their Acceler8 project also made a lot of progress and have a number of projects underway. A lot of land has already been acquired and the state spent \$1.26 billion to purchase 230,000 acres. FY 2009, 2010 and ARRA provided the largest amount of federal funding since CERP was authorized. Rulemaking for water reservations have either been done or are getting underway for several projects. Master Agreement was signed in August 2009 and is very important since it will lay out how things are going to operate for the next 30-40 years. Science continues to be the underpinning of the effort and they have laid out the Adaptive Management program real well. The road ahead, notwithstanding the fiscal challenge, includes continuing the momentum, completing the foundation projects, completing the next group of PIRs and incorporating new information and science. Their ability to sustain their funding will be critical. Report will hopefully be submitted to Congress in the next few months. Mr. Strickland noted that he heard general agreement on this report.

Mr. Duncan, on the issue of reports, said the state wrestled with this several years ago with all the requirements and they were able to consolidate them. Examples of their Executive Summaries are provided and the state does a great job on their reports. On the federal side they have reports to

Congress and Biennial Reports from the Task Force among many others and he suggested they need to all come together with a single report instead of sending out all these reports. Mr. Strickland said it was a constructive idea and said they would re-group after this meeting and come back with some specific suggestions. Ms. Wehle added that having one consolidated report was appreciated by the stakeholders and has proven to be an effective tool. She also suggested that when they start talking about the challenges they discussed at this meeting, they start considering a transition plan, as was suggested at a WRAC meeting.

Follow-Up Actions

2010 Task Force Reports

Mr. Greg May reviewed the purpose of the three reports (Strategy and Biennial Report; Plan for Coordinating Science (PCS) Update and the Land Acquisition Strategy). He noted that the WG and SCG have spent a tremendous amount of time talking about their reporting and how to become more efficient. They undertook a concerted effort to combine the Strategy and Biennial Report and they do have links in the report to the South Florida Environmental Report as well as other reports where none of the details have been lost. The PCS is an update since they have a solid plan that was developed in 2008. For this year the SCG along with the WG reviewed the 2008 report and found it to be very sound. They are providing an Executive Summary of the framework and significant science coordination activities that have taken place over the last two years. The Land Acquisition Strategy is prepared every year.

For the Strategy and the Biennial Report he noted they have increased appropriations and provided additional project funding through the American Recovery and Reinvestment Act of 2009. They have strengthened partnerships and resolved policy roadblocks. They signed the Master Agreement paving the way for individual project agreements and the construction of CERP projects. They have also held groundbreaking for four key projects. He reviewed the framework for restoration which includes the vision, goals, sub goals and measurable objectives to organize and track over 211 projects. An update is also provided on the system-wide ecological indicators which were developed to measure the ecosystem's response.

Ms. Power said this was a good version, a lot shorter and clearer. It was not all good news and while there were some places where there was improvement there were some where there wasn't. She noted how much the weather has an impact. She said the report will be much more useful on the Hill. Mr. Robinson commended Mr. May for selecting a suite of indicators that show the greater nature of the ecosystem including those marine ecological indicators. He said it is important to show economic impacts and that they factor those in to those calculations as well. Mr. Duncan said the Miccosukee Tribe has issued a minority report in the past and noted that a lot of the same deficiencies have occurred in this report. It is not that there is anything false but just that the reader is left with the impression that everything is okay. They need to be more forthcoming on the challenges. Mr. May said the benefit of having a WG and SCG is the opportunity to have managers and scientists sit down and talk about this. He recognized Dr. Joel Trexler who worked on one of the indicators and he thanked the other scientists for all of their work. Ms. Power made a motion to approve which was seconded by Ms. Wehle. Task Force accepted the Strategy and Biennial Report.

Ms. Susan Markley reviewed the Plan for Coordinating Science (PCS) and noted that they are now in the mode of implementing the strategies in the PCS. They are emphasizing synthesis and communicating science in a way that is useful to managers. A set of briefing papers were completed on new science, climate change and another on emerging issues on invasive animals. The PCS devotes some time to what they anticipate will be big issues such as climate change and lays out their path forward. Ms. Wehle made a motion to approve the PCS which was seconded by Ms. Power. The Task Force accepted the Plan for Coordinating Science.

Ms. Theresa Woody highlighted the map which is the most powerful communication tool that is updated in the Land Acquisition Strategy (LAS). Map provides a snapshot of where they are in acquiring conservation lands. Map was originally asked for in 1999 by then Senator Graham. It illustrates what has been done with federal, state, SFWMD dollars and also captures local contributions. Ms. Woody reviewed all three maps.

Mr. Strickland said that since they are now protecting lands other than through fee acquisition they may want to use a broader term such as 'land conservation' or 'land protection'. Ms. Darcy made a motion to approve the report and Ms. Power seconded. The Task Force approved the report.

Assignments Update

- Climate Change Conceptual Model - Ms Markley reported the SCG is developing a conceptual model and has met with the WG on this topic. The first workshop was held with interested agency folks and representatives from the private sector. She thanked Mr. Rosen who did the coordination of the last workshop.
- Invasive Exotics Recommendations – Mr. Dan Thayer noted that south Florida is the most invaded place in North America. They have been successful because of the great people working on this and Florida has been positioned to be a leader in managing invasive plants in natural areas. They are fortunate to have two quarantine facilities in south Florida so the infrastructure is in place. He reviewed the species that are problematic in south Florida and noted the importance of prevention, early detection and rapid response. They were able to eradicate the Gambian Pouch Rat which was released intentionally in the Keys before it became a mainland threat. Mr. Dan Kimball recognized and thanked the south Florida Everglades family who worked together on the oil spill. Mr. Strickland thanked Mr. Kimball who served on the command post. Mr. Kimball noted the Task Force asked for some targeted recommendations for improving their response to invasive species management and an information brief has been prepared. He reviewed the four recommendations which include promoting federal prevention initiatives, establishing an Everglades Early Detection/Rapid Response (EDRR) Coordinator and dedicated EDRR funding, coordinating the development of a Cross Cut Budget and promoting continued improvements to coordination. Mr. Strickland thanked them for their recommendations.
- Lake Okeechobee Summit – Mr. Strickland noted that at the June meeting COL Pantano reported on all the issues around Lake Okeechobee and the idea of a summit was raised. Mr. May said that since the June meeting he has had the opportunity to talk about this issue with 25 Lake Okeechobee Everglades experts, policy folks and elected officials. After consulting with COL Pantano and Ms

Estenoz, his recommendation to the Task Force is that their first initiative for a Lake Okeechobee Everglades Summit would be to support the Ten County Coalition for Lake Okeechobee and the northern estuaries. They are proposing to host a 16 county Summit on December 10th and having the county based grass roots forum to discuss this issue. COL Pantano agreed it was an appropriate forum and a good first step. He noted they are reaching the other end of the spectrum now and Lake Okeechobee is at 13.59 feet, so people will be beating at his door asking for water. Good indicator of what life is like – going from one extreme to another.

Public Comment

Ms. Jenny Conner (The Nature Conservancy) congratulated Ms. Woody for her work on the Land Acquisition Strategy and thanked her for including the Northern Everglades as an addition this year. She said prevention policies mentioned in the invasive species presentation is crucial. Early detection, rapid response and funding are something they need to pay attention to.

Next Steps

Mr. Strickland reminded everyone about the Site 1 Groundbreaking Ceremony scheduled for 10:00 am the following day. Next year's schedule will be a more normalized schedule and he recommended they meet in February, June and October 2011 with a retreat type meeting to also be planned. The WG and SCG are going to review the NAS recommendations and identify follow-up actions. The WG is going to draft updated strategic goals, sub goals and objectives as appropriate. They will begin to implement the invasive species recommendations. They will also continue to develop the conceptual models for climate change related to Everglades restoration. Mr. May added he will coordinate with the county coalition on the development of the summit on the 10th of December and report back at the next meeting. He will also be working on the meeting schedule for 2011.

Closing Comments

Ms. Darcy suggested the retreat happen sooner rather than later. Mr. Strickland said they may have it in February. Mr. Buermann clarified the SFWMD is appreciative of the \$600 million the President and the Administration has provided as well as their support. Mr. Strickland thanked the staff for their great work and noted it was a very productive meeting. Ms. Wehle noted that Ms. Joni Warner will be her assistant and encouraged everyone to work through Ms. Warner who will be working closely with her.

Meeting adjourned at 5:00 PM.

Enclosures:

1. Briefing Binder
 - a. Administrative Items
 - i. Agenda
 - ii. Draft Meeting Minutes, June 2010
 - iii. Task Force Roster
 - b. Habitat Conservation Opportunities
 - i. Report on Fisheating Creek, Wetlands Reserve Program Project presentation
 - ii. Greater Everglades Strategic Habitat Conservation Initiative presentation

- iii. Map
- c. National Research Council Report
 - i. *Progress Toward Restoring the Everglades: The Third Biennial Review, 2010* presentation
 - ii. Report in Brief
 - iii. Full Report
- d. Improving Water Quality
 - i. EPA's Amended Determination presentation
 - ii. SFWMD presentation
- e. Cost Sharing and Scheduling Issues
 - i. Introduction and Animation presentation
 - ii. Cost-Sharing Issues presentation
 - iii. Cash Flow and Credit Analysis
- f. CERP 2010 Report to Congress
 - i. 2010 Report to Congress presentation
 - ii. Draft Report
- g. Follow-up Actions
 - i. 2010 Task Force Reports
 - 1. Strategy and Biennial Report
 - 2. Plan for Coordinating Science
 - 3. Land Acquisition Strategy
 - ii. Assignments Update
 - 1. Invasive Species: Next Steps
- h. Site 1 Impoundment Groundbreaking Invite and Background Information
- i. Executive Summary of the 2009 South Florida Environmental Report
- j. Executive Summary of the 2010 South Florida Environmental Report
- k. John Arthur Marshall's handout
- l. Julie-Hill Gabriel's handout