

*Approved Meeting Summary
South Florida Ecosystem Restoration Task Force
Miami International Airport Auditorium, Miami, FL
May 24, 2000*

Welcome and Opening Remarks

Ms. Mary Doyle opened meeting at 11:05 am. She noted that the purpose of this meeting is to discuss the issues associated with WRDA 2000. Ms. Kirk Emerson and Mr. Bob Jones will facilitate this meeting. It is hoped this Task Force will be employed as a forum where issues can be raised and a better understanding can be achieved and both used as key ingredients in dispute prevention. Mr. Allison DeFoor announced he would be leaving the Governor's Office at the end of the month but will continue to be a member of the Task Force. Mr. Gene Duncan noted that Mr. Cy Zaneski would be leaving the Miami Herald.

The Following Task Force Members Were Present:

Mary Doyle, Task Force Chair – U.S. Department of the Interior
Brad Brown for Sally Yozell, U.S. Department of Commerce
Michael Davis, U.S. Department of the Army
J. Allison DeFoor, Office of the Governor
Joan Lawrence for Michael Collins, South Florida Water Management District
Neal McAilley for Lois Schiffer, U.S. Department of Justice
Dana Minerva for Jonathan Charles Fox, U.S. Environmental Protection Agency
Patty Power for Jim Shore, Seminole Tribe of Florida
Fred Rapach for Clarence Anthony, Mayor - City of South Bay
Terry Rice for Dexter Lehtinen, Miccosukee Tribe of Indians
Don Woodward for Glenda Humiston, U.S. Department of Agriculture

The Following Task Force Members Were Not Present:

Clarence Anthony, Mayor - City of South Bay
Michael Collins, South Florida Water Management District
Jonathan Charles Fox, Environmental Protection Agency
Glenda Humiston, U.S. Department of Agriculture
Dexter Lehtinen, Miccosukee Tribe of Indians
Lois Schiffer, U.S. Department of Justice
David Struhs, Department of Environmental Protection
Sally Yozell, U.S. Department of Commerce

WRDA ISSUES

Ms. Emerson, Mr. Jones and Mr. Michael Eng reviewed issues that had been raised in telephone interviews with the Task Force. Task Force members were asked to review the list of issues/concerns that had been developed.

- Project purpose – balance among natural systems, water supply and flood control

Issues of water conservation and supply
Protection of Estuaries
Equal protection of entire Everglades (quantity and quality)
Project Purpose been reflected clearly

- Authority for Expedited Implementation – early authorization (PIR)
- Seminole Water Rights Compact
- Assuring Project Benefits

Programmatic regulations
Roles of the Secretary - DOI, Governor, Tribes
Project Specific Regulations
Defining ecosystem and other ecosystems
Existing Uses
Water Quality

- CERP as Framework

[Chief's Report](#)

Mr. Terry Rice requested that four additional items be added:

- Impact of collateral laws on restoration
- Statement on private property rights protection
- Status of precursor projects, e.g. Modified Water Deliveries
- Environmental Justice Issues

Ms. Doyle asked that organization and representation issues on the Task Force (e.g. co-chairs) should be addressed in WRDA 2000.

PUBLIC COMMENT

CPT Ed Davidson stated the importance of including language on water quality, although not a part of the Corps mandate. The Florida Keys Sanctuary was also not listed. He reiterated the fact that this will be a 20-year process that will need public support.

Ms. Michelle Williams (Lake Worth Drainage District) commented on the way the language is currently written and the inclusion of the [Chief's Report](#) in the CERP. She noted her concern with a study being needed to determine how the water will be delivered. Costs have not been included in the CERP and there is much concern over who will pay.

Mr. Michael Davis responded that there is a commitment to do the study to determine how much of the 245,000 - acre-feet is needed. Ms. Williams wanted to see this commitment in writing in the proposed WRDA.

Ms. Cynthia Laramore (Glades Area Environmental Justice) noted her concern with WRDA stripping disadvantaged communities from consideration. She added that the Environmental Justice consideration is not a part of the RESTUDY or the WRDA. Water quality is of great concern given the number of projects that are proposed around Lake Okeechobee.

Mr. George Rodriguez (Miami Dade WASO) noted his concern with the language and with the word "Urban" being stricken from the proposed language.

TASK FORCE DISCUSSION

Ms. Emerson instructed everyone to focus today's discussion to the WRDA 2000.

Project Purpose

It was discussed that balance among the natural systems, water supply and flood protection is needed. There is a need to get ALL the water right in south Florida. Working to improve on the benefits to urban and agricultural users as well as the environment. Mr. Duncan said that the [Chief's letter](#) should not get referenced in the proposed WRDA. Mr. Steve Walker noted that until the project elements are further refined and you have the details, full consensus could not be reached. The Seminole Tribe

is willing to say fine with the caveat those assurances are included in WRDA. Mr. Davis clarified the Chief's report focuses on the April 10 report and puts into legislation what was intended in the April report. It is not the intent to change language but to codify in law those benefits that will be received.

The authority for expedited implementation having to do with the project implementation

In the proposed WRDA, the Administration proposes to authorize 10 of the 68 project elements but some (Tribe and Sugar Industry) feel it is premature and that a GDM level of engineering is needed in the PIR before authorization. Mr. Terry Rice noted the Corps has developed a standard procedure with a very rigid process that is very dependent on congressional approval. They have gone 14 years without giving authorization so there is a concern of stagnation if you don't have authority to move on with projects. Mr. Davis said Congress would want a complete feasibility analysis and [Chief's report](#) completed before giving authorization.

Mr. Davis explained those contingent authorizations are not subject to further congressional actions, they are subject to completion of the chief's reports by the Executive Branch. It is proposed to use a process with a mixture of two things, a proposed program authority, allowing the authorization of 27 of 68 project features (as long as they are under \$70 million total), similar to the existing critical projects authority. Those projects were identified by the interagency group that puts the implementation plan together, and were listed in the April plan. There are also 10 projects and one monitoring plan that we believe will provide immediate benefit, that Congress has a basis for authorizing them. They link up with already existing projects. The Administration's Bill includes a requirement for PIRs or feasibility reports before construction can begin. These will include an EIS as well as a public review process for each of these ten projects. There is support for expedited implementation. The question is whether it has adequate review and the suggestion is that PIR review would provide that. He added that an agreement similar to the WRDA 99 could be reached with Congress that beyond certain thresholds, the Corps could report back to them and after a certain amount of time, if no action was taken, then the Corps could go forward. There is also a committee resolution process that allows them to deal with issues short of an actual authorization.

Seminole Water Rights Compact

Mr. Walker reviewed the concern that anything might be done to here to adversely affect the tribe's rights under the compact. The compact is both federal and state law and has been enacted by the tribal council. It's consistent with the state system, enabling the tribe to go to the SFWMD for water, and for the SFWMD to review the request. The addition of another entity making water decisions could undermine the compact. The tribe and the state of Florida need to have a plan to know that restoration will occur and that they will have sustainable water supply for the future. The proposed bill would undermine the system as it occurs today because all the water in the CERP and C&SF system would be allocated via the PIRs. The Seminole Tribe feels all the issues need to be discussed so it can move forward into the future.

Mr. DeFoor questioned how a project that is designed to increase water by 1.7 million gallons per day could be feared. He noted that *we are all in this together, we must have trust in each other*. Something happened with the [Chief's letter](#) that destroyed the sense of balance and we need to find it again. This isn't a debate about the merits it is a debate about the trust and equality in the partnerships.

Mr. Duncan agreed the proposed bill should recognize the compact and added it should also recognize that the Miccosukee Tribe's water rights have not been resolved. He noted sub section III 2 B of the proposal gives veto power to the Secretary of Interior for water supply delivery, which federalizes Florida water rights. We have state and sovereign

entities here, each with interests to protect, but the way this Bill is written the Secretary of the Interior decides what the water allocation will be.

Assuring Protection Benefits

Ms. Doyle explained the drafters were faced with how to identify and define the benefits provided in the CERP for the natural systems. The benefits to the natural system cannot be quantified and we don't have the scientific knowledge to quantify how much water the natural system needs. Benefits need to be defined in order to hold parties (federal, state, etc.) accountable in the future. Clarity is needed in the definition of the benefits so that the permitting process while knowing how much water they have available for permitting to individual private parties and how much is reserved out of the permitting pool. This refers to the new water that will be developed from this project. The concurrence role with the Secretary of Interior is due to DOI being one of the biggest customers of this new project. As a consumer the secretary needs to have a role in the crafting of the underlying regulations that brought the DOI people to the table. The Programmatic Regulation Process was created to determine the definition of water quantity and its delivery, using modeling to create a baseline to measure the PIRs.

Mr. Davis stated that a prescriptive formula dedicating particular amounts of water could be written into law, but cautioned it would be dangerous to do so at this time because the numbers are not known at this time. The information to determine the details will be available when these projects are completed. There is a long time between a piece of legislation and the project specific regulation. A document is needed to bridge the gaps between the legislation and the information that will come in the future.

Mr. McAliley stated that with the projected population in south Florida to reach 12 million people by 2050, there is a danger if we do this wrong. There will always be competing demands for the water that would otherwise be going to the natural system. We need to come up with a way to insure that there will be benefits to the environment or we will have the same problems we've had in the past. We need project assurances. Mr. DeFoor noted Florida is recognized as having some of the best water laws in the U.S. If there are 15 million people here they will have 20 seats in Congress so there is very little that could be done here that couldn't be undone.

CERP as Framework

Mr. Lehtinen suggested deleting any reference to the [Chief's report](#). He stated that this Administration misrepresents and lies to the citizens of the United States, and that is what the Chief's report did. Mr. Rice added the administration's version had a strong commitment to businesses and making sure a part of the pie goes to that. Something needs to be attached to make an equal commitment to minorities and people with low income. Mr. Brad Brown stated the impacts minority individuals and communities should be considered.

Ms. Doyle said the Task Force needs to provide a response to the Senate Bill as well as discuss the Task Force Chairperson role. Mr. McAliley reminded everyone that the Chairmanship and responsibility goes with funding. Money from the Interior is spent on the Executive Director's office.

PUBLIC COMMENT

Ms. Shannon Estenoz (World Wildlife Fund) expressed concerns with the proposed bill. Senate did not address many of the environmental communities' concerns and whole new sets of concerns arise from this new version. She emphasized that preserving water is absolutely essential. It takes several years to recover from the harm from minimum flows and levels. We cannot wait to reserve water for the natural system. DOI's role is appropriate since the parks cannot exist without the water. The tribe's position on discretion is a little confusing.

CPT Ed Davidson said this Task Force needs a better idea on how the state allocates water. The municipalities in this process made the assertion that they intend to build up by 2020 and they are seeking 20-year permits. They must be told they need to modify their plans. There will be no new water for at least 5 years and we cannot do anything until restructuring. The only water we have to play with during the next five to ten years is the rain.

Mr. Mike Richardson (First National Bank of Homestead) noted the South Dade community is concerned the plan has the potential to flood out the agricultural community. The Task Force needs re-establish flood protection having equal footing in Everglades restoration.

Ms. Patti Webster (Broward County) announced that the Broward County Commission authorized and supported a bond referendum for \$400 million towards land acquisition of environmentally sensitive lands, upgrading parks, and to reserve development rights. Urged Broward resident to vote for it.

NEXT STEPS

Next meeting planned for June 19, 2000 to deal with the Strategic Plan and the Task Force role in implementing it.

Enclosures:

1. Draft WRDA
2. [Task Force WRDA Discussion Summary \(5/24/00\)](#)

Meeting Adjourned at 3:40 PM.