

*Approved Minutes  
South Florida Ecosystem Restoration  
Working Group Meeting  
Stuart, Florida  
July 22, 2004*

**Welcome and Administrative Announcements**

Jay Slack called the meeting to order at 1:00 PM. He introduced Ross Wilcox who welcomed the group on behalf of Doug Smith and Sarah Heard who were unable to attend this meeting since they were testifying before the Subcommittee on Water Resources and the Environment and on behalf of Martin County. The agenda (Encl. 1) and the minutes (Encl. 2a and 2b) from the March and May meetings were introduced. The Biscayne Bay membership (Encl. 3) which was discussed at the last meeting was presented for approval. No discussion followed and it was approved without objection.

<b>Working Group Members</b>	July 22	July 23	Alternates
Ernie Barnett – FL Dept of Environmental Protection	-	-	John Outland
Frank Bernardino – South Florida Water Management District	√	√	
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	-	-	Steve Beckwith
Alex Chester – NOAA, National Marine Fisheries Service	√	√	
Carol Clark – National Park Service, Big Cypress	√	√	
Wayne Daltry – Southwest FL Regional Planning Council	√	√	
Dennis Duke - U.S. Army Corps of Engineers	-	√	Stu Appelbaum
Gene Duncan – Miccosukee Tribe of Indians of FL	√	√	
Christopher M. Flack – Office of the Governor of Florida	-	-	
Roman Gastesi, Jr. – Miami Dade County	√	√	
T. Niles Glasgow – U.S. Department of Agriculture	√	√	
George Hadley – U.S. Dept of Transportation	-	-	
Richard Harvey – Environmental Protection Agency	√	√	
Norman O. Hemming, III - U.S. Attorney's Office	-	-	
Kenneth B. Metcalf - Department of Community Affairs	-	-	Roger Wilburn
Donna Pope - FL Dept. of Transportation	-	-	Marjorie Bixby
Fred Rapach – Palm Beach County Water Utilities Dept	-	-	
W. Ray Scott - FL Dept of Agriculture and Consumer Services	√	√	
Jay Slack – U.S. Fish and Wildlife Service	√	√	
Craig Tepper - Seminole Tribe of Florida	√	√	
Kenneth S. Todd – Palm Beach County Water Resources Manager	√	√	
Anna Townsend – Bureau of Indian Affairs	-	-	Joe Frank
Vacant - Broward County Department of Natural Resource Protection	-	-	
Joe Walsh - Florida Fish and Wildlife Conservation Commission	√	√	
Jess D. Weaver – U.S.G.S.	√	√	
Greg May, Special Advisor	√	√	
Ken Haddad, Science Coordination Group Liaison	√	√	Rock Salt

**Whiparound**

Niles Glasgow introduced Ed Wright who will serve as the new USDA-NRCS representative. Stu Appelbaum noted Dennis Duke was in Washington with COL Carpenter as part of the testimony on the Indian River Lagoon project. He introduced LTC Andrew Getz who is working out of the West Palm Beach office. Rock Salt said he was sitting in on behalf of Ken Haddad the SCG Chair. Wayne Daltry reported they held a workshop to refine the water budget for the Charlotte Harbor National Estuarine program. A land monitoring workshop is scheduled for September 24 to follow up on work done for Chesapeake Bay to try and identify the degree of impervious surface for each of their watersheds and to forecast the degree to which they will become impervious. Lee County will be reviewing their drainage systems and a groundwater resource study is currently underway. Lee County has also commented on the CERP goals and is “under appreciative” of the amount of work done for his area as well as with the work done on the Lake Okeechobee WSE. The Tourism Development Council has a monthly agenda item on the number of algae blooms due to river flows. Their mitigation plan has been amended per EPA comments and is undergoing reviews and approvals. Joe Walsh reported his agency has begun reorganizing and has consolidated all of their species management into one program. He will be operating out of the habitat and

land use division and they have contracted with USDA to administer all of the Farm Bill programs targeted towards fish and wildlife performance through the state. They are now pushing the decision making structure down to the regional level and individuals who know what is going on will have more of a say. They are also looking at a new policy for canal fisheries in the Everglades and how they will perform under CERP. Ken Todd reported the Scripps Biotechnical Research from California wants an East Coast presence and has agreed to come to Palm Beach County. There were some concerns with the location of the site and additional sites will be considered while the process continues to move forward.

### **Task Force Update**

Greg May noted the Programmatic Regulations for CERP required the Army to consult with the Task Force at various stages of CERP implementation. At the last Task Force meeting Ms. Allbright asked the Army to work with OED to develop a draft definition of consultation and prescribed timelines. OED is reviewing the first draft from the Army and welcomed comments on how to achieve the best possible consultation. He noted the next Task Force meeting will be held on September 14 – 15, 2004 at the Eden Roc Hotel in Miami Beach in conjunction with the Coral Reef Task Force meeting. A joint session is planned and will include a panel discussion and presentation on the science and management connection in south Florida ecosystem restoration. A Task Force conference call is scheduled for August 3, 2004 to discuss the third draft of the Strategic Plan. The next CSOP meeting is scheduled on July 29 – 30<sup>th</sup>. The next SCG meeting is scheduled for August 10<sup>th</sup> at FIU where they will continue to work on the initial draft of the Plan to Coordinate Science. Rock Salt added the Task Force has asked to be provided with a draft and it would be provided to anyone who wants it. The SCG is identifying the most important science and identify the gaps.

### **Strategic Plan Update**

Linda Friar provided a power point (Encl. 4a) describing the various components of the Strategic Plan (Encl. 4b). The second draft was distributed on June 23 to the Task Force and the Working Group. The third draft will be provided on Monday, July 26 and a Task Force conference call is scheduled for August 3<sup>rd</sup> to discuss remaining issues. The call will be webcast and there will be an opportunity for public comment. Greg added that the agenda for the call will concentrate on eight strategic issues identified through feedback. One of the areas is the indicators of success. The indicators used in the 2002 Strategy were based on a 1999 baseline report for CERP. Everyone agrees that these indicators are dated and that the latest work by RECOVER will be helpful in updating them. The SCG will help the Task Force develop non-CERP indicators. The Total Cost Report and project sheets are being updated. In response to feedback from the agencies, reporting procedures have been streamlined for the Strategic Plan and the Land Acquisition Strategy to minimize multiple report due dates.

Rock Salt explained the Total Cost Report is the estimated total cost for Everglades restoration. He noted that the reporting criteria for the individual agencies varied. The Corps for example uses 1999 dollars for CERP projects until they are authorized. Other agencies use current-year dollars. Richard Harvey asked what value this adds to the process. Greg replied that Congress requested the information and noted that it is a huge investment on the part of the American people and the citizens of the State of Florida. Collectively we are trying to take a comprehensive ecosystem approach and coordinate the hundreds of individual federal, state, tribal and local projects. There aren't many tools designed to support an ecosystem restoration and an intergovernmental effort such as this one. This report is one such tool and provides Congress with some of the information they need to make funding decisions. Richard Harvey asked what changes to the system or the restoration process has occurred as a result of this. Greg May noted that for CERP projects, only \$1.2 billion of the \$7.8 billion (in 1999 dollars) are authorized. This information helps to get the authorizations for the rest of the program. Richard said that it does not result in additional funds to agencies other than the Corps since it is not the way other agencies do business. Greg noted that Congresswoman Ileana Ros Lehtinen has managed to get funding for water quality Keys improvement. From recent articles in the papers it appears as if DCA and the State of Florida, working with Monroe County, are close to bonding tens of millions of dollars. Richard Harvey said that although they appreciate this money, it is as a result of a separate effort. Jay Slack said he believed that the report helped FWS. It is an affirmation that money the FWS gets through its normal budgeting process is being levied towards this effort. He thought it helped his agency secure funding in times when their budgets could be shrinking.

Wayne Daltry said he recognized this is a strategic report but he was looking for a tactical report. He described the amount of money being spent in the Everglades by the state and federal government as “chump change” compared with the trillions of dollars being spent in the region. He reported he just attended two Water Supply Planning meetings and the water supply needs of the natural system as well as the costs of stormwater management were not included. He was looking for state and federal support to help the local entities to commit and there is no management structure that brings the local governments, regional entities, state and federal agencies to commit to a scheme that goes down to the individual building permit. He said that those at the federal and state level haven’t enacted the laws to help the local entities. Rock Salt said there was an effort to see how the permitting process could better fit into local land use planning in a way that was more reinforcing but it has not been discussed since the 1990’s. However, they do have Goal 3 in the Strategic Plan and it could be considered by the Task Force. Gene Duncan seconded Wayne’s comments adding that they could have the best plan in the world but the county commissions and zoning boards need to take it into consideration. He reported the WMD just approved the Lake Harmony development on the east coast in the middle of a CERP footprint. This is not the first time this happens and reminded everyone of the Lakes by the Bay development. Jay Slack said it was important to delve into these issues and added that the legal authorities and mandates must be followed by everyone. Roman Gastesi encouraged everyone to “calibrate” their understanding of their responsibilities and maybe they will be able to do something to change things. Craig Tepper said they need help with the gaps in the science and Rock responded that that was the focus of the SCG.

### **CERP Programmatic Update**

Stu Appelbaum provided a presentation (Encl. 5) reviewing Corps programmatic initiatives. The Regional Project Delivery Teams (RPDTs) concept has been developed to focus expertise. They have asked for a more senior level of management to participate in hopes of having people who are able to commit resources although it is not a decision making body. This will hopefully reduce the number of meetings and improve stakeholder participation. They recently held meetings that dealt with other projects such as Modified Water Deliveries, Kissimmee and C-111 because CERP assumes those projects will be in place. Two RPDTs (Central and South Florida) have been created. Project Specific Teams will focus on preparing products such as the PIRs and issues will be raised to the RPDT. Wayne Daltry asked if issues such as ASR and Melaleuca control would be held for both teams. Stu replied they would look into that. Joe Walsh asked about the decision timeframe since the team is not a decision making body. Stu replied that it would depend on the complexity of the issues.

Gene Duncan said he attended the South Florida RPT and many of the things they are expected to do are things this Working Group should have been doing for the past ten years. He did not disagree that it was needed, however, issues will be brought to that group and they won’t be following the Sunshine requirements. There is also a potential for this group to pick a preferred alternative. A group similar to this one needs to exist, but it has to be one that can stand up to the Sunshine and FACA challenges.

Stu said that Guidance Memoranda (GM) will provide specific procedures, processes and other guidance for CERP. The Programmatic Regulations require the development of six guidance memoranda by mid December. Drafts one through four were posted on web in June for comments. GM five and six are not ready yet and involve the “thorniest issues”. The Pre-CERP Baseline is also required by the Pro Regs and the underpinning of the effort is a model run of the 2x2 model. Team and agencies have reached agreement on the assumptions that go into the model run. The Pre-CERP Baseline has a close linkage with GM six and is being worked in tandem.

Ray Scott asked about the relationship between the Pre-CERP Baseline and the PIR Baseline. Stu explained that the requirements under state law and under WRDA 2000 were different. The Pre-CERP baseline is designed to deal with the WRDA 2000 requirements. The baseline is needed because when the elimination of transfer test is done or the flood control analysis, this will serve to establish existing conditions on the date of enactment (December 11, 2000). The PIR Baseline deals with some of the tests the state needs as part of their 1501 approval process. Rock Salt said the question came up as to CERP’s responsibilities for changes due to non-CERP activities. For example, if the WMD project removes a source of water or changes things so that a source of water is reduced subsequent to December 2000, does CERP have to make it up? The answer is no. If detrimental things happen, you cannot expect CERP to

make it up. That purpose of the Savings Clause gets to the question of what CERP has to make up. He said that it was his understanding that the baseline on the state side is a different baseline for assuring project benefits as opposed to a baseline to answer the question of whether CERP needs to make anything whole. Stu Appelbaum added 1501 obligations are required for the WMD in order for them to be the local sponsor for Corps projects. There are certain tests they need to meet to get state approval and if they do not meet those tests they cannot be a local sponsor. The Corps cannot move forward without a local sponsor. He clarified that 1501 deals with users and uses which are defined in state law while WRDA deals with existing legal sources that were not defined by Congress. The Pro Regs require that a definition of existing legal sources of water be provided in GM 6. Craig Tepper noted the only exception in WRDA and state regulations is the Seminole Tribe Water Rights Compact. Joan Lawrence said the Pre-CERP baseline will have a section on entitlements. Wayne Daltry said they should also be discussing the responsibility of the users. Rock agreed and added the assumption is that those decisions will be made in accordance with state law. Stu Appelbaum said the PIR is essentially the technical document that meets the requirement for federal authorization.

Master Implementation Sequencing Plan (MISP) and Banding is a programmatic regulations requirement. Banding is a better way to approach scheduling as you go out into the future. Five year banding will be used to focus resources and attention and lay out which activities will occur first. The Yellow Book laid out the initial sequencing and it was updated in June 2001 and then again on June 2002. The first band goes from 2005 – 2010 and will include PIRs, PPDRs and construction projects.

Initial CERP Update (ICU) incorporates new information and new models such as the SFWMM version 5.4. The new model has been recalibrated and updated to include a thirty-six year period of record and updated topo. CERP 0 used same water demands as D-13R while CERP 1 has updated water demands based on the latest population estimates as a driver. Both model runs were done to show the impact that the change in population projections have on the outputs. RECOVER looked at both CERP 0 and CERP 1 and the results raised some concerns. The topo changes are having a big impact on where water moves within the system. A Special Analysis Team (SpAT) has been formed to look at trying to make improvements to the CERP 0/1. A wide variety of model runs have been done in a short period of time and different model runs have different tradeoffs. Operational changes have great potential to change and improve the plan. They think they can make significant improvements, however, adjustments and calibrations are needed before it can be used for making decisions. Next step includes finishing up the technical document on the CERP 0/1 and SpAT effort. They will continue the analysis of SFWMM version 5.4 and determine the best approach for proceeding. Wayne Daltry asked about the status of the SW Florida Feasibility Study. Stu said it was in the Yellow Book and is proceeding under that authority. The product of that effort will have to go to Congress.

Interim Goals and Targets - the Corps put together an Independent peer review panel which provided initial recommendations. The Interim Goals and Targets team is making revisions with the goal of having a second round of peer review in September. The incremental model runs are underway and they are working on two issues. First, they do not have models for the total phosphorus and periphyton indicators and the question remains as to how they will make predictions in the absence of good defensible scientific tools. Second, given the CERP 0/1 problem, they need to decide what they will base the Interim Goals on, the new 5.4 model or the 3.5 model which was in the Yellow Book. They would like to use the best available information but are concerned with basing it on information that is not quite right. They will continue to work through this issue.

Richard Harvey said he read in the paper that the Chesapeake Bay Program had sold everyone on the amount of improvement which had been made and the majority was based on model predictions. The actual data did not support the Bay had improved nearly as much as the models had predicted. He asked how this would be avoided here. Stu said that was a good point and explained the predictions would be based on modeling and professional judgement. They will measure success through the Monitoring and Assessment Program and using actual physical data. That issue has come up in the team meetings and one of the concerns the peer review panel had was the over reliance on modeling. Gene Duncan noted the biological indicators, although needs to be monitored does not belong in the indicators of success. Some of the animals will increase and others will decrease as areas are re-hydrated and some of the indicators may

indicate “we are failing” when in fact things are being put back. Hydrology needs to be the highest priority.

### **Florida Growth Management**

Roger Wilburn from the Department of Community Affairs (DCA) provided a presentation (Encl. 6) reviewing the planning processes in Florida. The DCA is the state’s land planning agency and the lead agency for community planning and preservation activities. One of their main functions is to help cities and counties develop local government comprehensive plans that serve as a blueprint for future growth. The Division of Community Planning within DCA is charged with assisting local governments and administering the state’s growth management laws. It is an intergovernmental process and the process is listed in Chapter 163 of the Florida statutes, Local Government Comprehensive Planning and Development Regulation Act. It requires all counties and municipalities to develop comprehensive plans to guide their physical development and growth. Comprehensive plans are also required to address issue areas such as future land use, housing, coastal management and recreation. All local government land use decisions and actions must be consistent with the adopted comprehensive plan. The amendment process begins with a citizen or local government who initiates an application, public hearings are held and a local planning agency meets with regards to any proposed plan amendments. DCA reviews the proposed plan amendments and reviews it and issues an objection, recommendation and comment report. It will then go back to the local government and they can adopt with changes, not adopt or modify based on DCA’s recommendations. It then goes back to DCA for review and formal determination. If it is not in compliance it goes to Chapter 120 hearings and then back to local governments with a 21-day period for affected parties to appeal the decision. The best point of entry is before the proposed comprehensive plan is sent to DCA while it is still before the Local Planning Agency (LPA). Another point of entry is when DCA is reviewing the proposed plan amendments. They are only allowed to open up the comp plan twice a year but can make many changes. Chapter 380 deals with the process for developments of regional impacts which are very large projects that have impacts on more than one county or regional system. Once a developer submits a proposal to the Regional Planning Council (RPC), the RPC will issue a staff recommendation with development order conditions to mitigate or address issues found throughout the review. The local government can adopt the development order and it could go forward. There are limited points of entry in this processes, one is the pre-application conference where all the information is pulled together, during the sufficiency round with the RPC or during DCA’s formal review. There is a 45-day appeal period but the only DCA, local government or the developer are able to appeal. The proposed development in Florida City will require going through both processes. Impacts include wetlands conservation areas and the CERP footprint to some extent. This development would require land use plan amendments, changing agricultural to urban uses and extending the urban service boundary for Dade County.

Wayne Daltry said Chapters 187 of the State Comprehensive Plan is outdated and that should be the place where the state legislature should enter the link between Everglades restoration and the local jurisdictions and state agencies. Chapter 380 is known as the Land and Water Management Act and provides direction to the water management districts and DEP. It has tools that have been used in Everglades restoration and is why Big Cypress was in some shape for federal acquisition. These comprehensive plans are presently guided by economic assumptions and population growth for the area. Roger Wilburn said there is an agreement or some understanding that DCA will consider the CERP issues in their review of comprehensive plans. Wayne Daltry said it would be easier to do with legislative direction. Wayne suggested coming in with local government comprehensive plans and capital improvements programs instead of the fictional map used in the CERP presentation. Roger said he is able to raise issues to his policy folks but they rely on outside agencies.

Wayne Daltry said as an example, that if the Strategic Plan were the backbone of Everglades restoration then Congress and the state Legislature would expect that it be followed. Land use is where you find the public need and private property rights come together in order to justify the decisions being made for that public purpose. Roger said his agency could use the data in the documents that currently exist but was not sure who he would go to for additional help on CERP issues. Rock Salt said it would be Frank Bernardino and Dennis Duke on behalf of the SFWMD and the Corps. Roger Wilburn clarified that all these processes are for changes to the comprehensive plans only. If it is already in some form of residential category, then

they are entitled to build without ever coming through any of these processes. Wayne said the worst thing they could ever do was repeat the Southern Crew extension and the 8.5 square mile area. Jay Slack asked whether there were any precedents where Congress has made some affirmative statements that have trickled down to the states and counties regarding land use planning. Wayne Daltry replied that the Metropolitan Planning Organization (MPO) sets forth a joint planning program through capital improvement investments according to a common plan under federal law that indicates both the advantages and disadvantages and has been reaffirmed in state law Chapter 339. Rock Salt said he was not sure about the role of the Task Force and the SW Florida EIS, in this context. There is a federal blueprint as it relates to federal permitting and the federal government has said how and what they will look at as they consider their 404 permits. Wayne Daltry said that that does not enable them to guide their capital improvement program to meet those growth requirements they have under the Growth Management Act unless they can go back to the federal agencies and ask if it meets your needs.

### **Miami Dade County Planning**

Subrata Basu provided a presentation (Encl. 7) noting that Miami Dade County is approximately 2,000 square miles with only 20% of that urbanized and the remainder is open land, national parks and agriculture. The population in the 2000 census was 2,253,362 people and it is projected to reach 2,703,114 by 2015 and 3,019,000 by 2025. Population has been increasing steadily by 30,000 people each year since Hurricane Andrew and that translates into 10,000 housing units that are being added to accommodate the growth. Vacant land for use as residential will be depleted by 2020 if the urban development boundary is not moved. General Land Use Master Plan (GLUMP) was the county's first comprehensive plan in 1965 and was adopted by the county through resolution. That plan projected the population to reach 2.5 million people for 1985, which has not been reached as of this date. Because the plan was not mandatory, growth problems persisted and leapfrog development continued because of the lack of coordination. The Comprehensive Development Master Plan (CDMP) was adopted by ordinance in 1975 and was very aggressive for its time with a lot of environmental protection zones delineated. The urban development boundary (UDB) was officially shown in the Comprehensive Master Plan in 1983.

The Miami Dade County Commission considers amendments to the UDB once every two years and amendments to the Comprehensive Plan twice a year. Less than two square miles have been added since 1989 and moving the UDB requires 2/3 vote of the County Commission. The County has a strong expansion policy that delineates areas that are not to be considered and are to be avoided. Counties and local governments have no legal authority and are unable to deny projects based on CERP. The County established an Office of Water Management to actively coordinate with CERP activities and the Water and Sewer Department has hired a CERP coordinator. The Agriculture and Rural Area Study was completed and developed a strategy for preserving agricultural lands. Transfer Development Rights (TDR) are used to direct development away from these areas and into the inner core of the county. The County Commission approved a bond referendum with \$30 million allocated for the Purchase of Development Rights (PDR) program. There is also \$40 million for the Environmentally Endangered Lands (EEL) Program. The South Dade Watershed Plan is a two year study scheduled for completion next fall. It will look at land use strategies to manage water quality, quantity, timing and distribution. That study has specific criteria to incorporate CERP in its recommendations and they will be looking at the CERP footprint and the impacts of development in that area. As part of the Watershed Study an Interim Committee has been established to review any development proposals in the buffer area between Biscayne National Park and the UDB. Subrata closed by saying that everyone has a role to play and who defines the role and how the County gets the legal authority are questions that need to be addressed. There needs to be consistency between all the counties and that is where the state comes in. A state comprehensive plan is needed to provide guidance to the counties. The legal authority is needed and it is not enough for the state to say to the counties to "go and implement CERP".

Wayne Daltry said that local governments are currently unable to participate at the level they should. This is a legacy project they are doing for future generations and everyone involved wants to leave it feeling proud. Local governments are part of the affected area and want to be recognized as partners in its success. Subrata Basu reported that the County has successfully deflected a request by Florida City to annex a large chunk of wetlands to build homes. There are currently 34 municipalities with half a dozen more in the pipeline, the more areas that are incorporated the less control the County will have. Jay Slack said that over

50% of the needed lands have been secured and places like Southern Golden Gates Estates are examples of a success story. Gene Duncan said the tribe owns 800+ acres in the SGGE and has no intention of selling it. The tribe does not think the state needs to own it to restore it. It is hard for the tribe to see it as a success when property rights or tribal sovereignty are stepped on to accomplish an environmental goal.

### **NEWTT and FIATT**

Bob Doren noted the Working Group authorized the Noxious Exotic Animal Task Team to deal with exotic animals. The team has changed its name to FIATT. He provided a presentation and an update (Encl. 8a and 8b). Team appointed tri-chairs and are updating the priority sections of the report and are compiling a list of taxonomic experts to help identify the species. They are developing a SOP for how the team operates as well as a website. The team requests that Subgoal 2C be added to the Strategic Plan to control invasive exotic animals.

NEWTT had three directives, the first two have been completed and team is working on the third. Three invasive species projects are CERP projects: the Quarantine Facility; special report through the Corps to look at the federal role in invasive species in Everglades restoration; and a large bio-control program that is being funded at approximately \$5.6 million through CERP. The team has decided the only reasonable way to integrate the hundreds of tasks, projects and programs at different levels in invasive species was to do it using a living tool such as Ecostems, an internet accessible database that will track what everyone is doing. Ecostems is intended for use by all agencies working on Everglades restoration. He provided a development cost break down (Encl. 8c) followed by a live demonstration of [www.ecostems.org](http://www.ecostems.org) which has been funded by the Corps which will use the database to identify potential local sponsors.

Wayne Daltry asked whether this would give them the authority to act proactively against the spread of exotics. Bob responded yes provided that the exotic falls under a certain type of threat such as citrus canker which falls under agricultural threat and police power. As of right now, invasive plants fit under that legal definition. Wayne asked whether there was a process by which they would bring us invasives for that kind of review. Bob said they could do that through their recommendations for new authorities and new regulations and that issue will be included in their special report. Counties and cities could enact their own legislation. Jay Slack said that if they as a Working Group were going to embark on something they need to think about the different players and their various roles. Their time would be better spent in trying to figure out how to make each other aware and levy their expertise. Bob Doren said they would be making recommendations in this special report and it would be helpful for the Working Group members to tell them what recommendations they think the team should be making. They will be looking for funding to implement projects through demonstration projects. He asked the members to get the word out to their individual agencies.

### **Litigation Update**

Joan Lawrence provided a handout (Encl. 9) most of which was prepared by the Department of Justice. Miccosukee Tribe and Friends of the Everglades challenged the proposed DEP rule and the Administrative Law Judge upheld the setting of the proposed phosphorus rule was not invalid. The State of Florida formally adopted the rule and the Miccosukee tribe has filed a notice of appeal. The Association of Florida Community Developers has challenged DEP's the reservations portion of the proposed water resource implementation rule. This has been held in obedience by agreement of the parties and the Senate Natural Resources Committee is holding a reservations workshop in Tallahassee in an attempt to come to some sort of consensus on a reservations bill. There is a fear that there is not going to be enough water or proper planning for water for development. This group will look at reservations as well as water supply planning and funding. The Miccosukee Tribe has filed a motion in the water quality lawsuit, seeking a declaration of breach by the SFWMD concerning their implementation of STA 3/4 and exceedance of interim phosphorus levels in Loxahatchee National Wildlife Refuge. Judge Moreno had adopted the U.S. position that the parties should engage in dispute resolution before considering the tribe's motion. If the parties are unable to resolve the issues the court has scheduled an evidentiary hearing in Miami on September 15, 2004. Gene Duncan added that Terry Rice and Ron Jones were meeting with District staff on technical data issues. The Miccosukee Tribe has challenged EPA's determination of the State of Florida 2003 amendments to the Everglades Forever Act.

### **Outreach and Education Partnership**

Greg May noted the Task Force entered into a public/private partnership with the Museum of Discovery and Science in 1999. Kim Cavendish provided a presentation (Encl. 10a) reviewing the work done by the Museum Collaboration Committee (MCC). A three phase outreach plan (Encl. 10b) was approved by the Task Force and the Museum Board. Phases I and II have been completed and as a result environmental exhibits have been updated and added. To date almost one million visitors have seen the Living in the Everglades exhibit. Offsite outreach programs have been created and delivered. The museum partnership is providing a common outreach voice for the Task Force. Phase III will include the creation of a new Florida Environmental Education Center that will expand the educational capabilities and create dynamic exhibits and programs to interpret the restoration for a huge audience. It is a \$16 million capital expansion plan officially launched in June. A public education grant of \$4.4 million has been secured from the State of Florida and \$1 million has been secured in private contributions. MCC will assist the Museum to ensure that the Task Force message is central to the exhibits and the program content. They will actively seek participation from the tribal and agency members to provide input to ensure the content is accurate and up to date. She thanked the many agencies in helping them with Phases I and II and she invited everyone to participate as they work towards making Phase III a reality.

### **Public Comment**

Charles Lee (Audubon of Florida) said he was very interested in the issue of land use and concurred with Wayne Daltry's observations as well as those made by the Dade County representative. He said the real issue is that local governments are affected by the various CERP footprints. The problem to controlling local land use is that if you were to review the Local Government Comprehensive Plans, CERP would not be mentioned in 90% of them. It is far more important that there be an element of the local government comprehensive plan that deals with, protects and advances the cause of completing the CERP elements. It may or may not rise to the level of needing an amendment to the State Comprehensive Plan. Promoting a CERP element in each local government plan that deals with the identified footprints is an important exercise. Recent legislation has passed that dealt with a similar set of issues, in the Central Florida area, the State of Florida has been embarking on a preservation effort for the Wekiva River. The Legislature passed legislation with the endorsement of the Governor that requires about a dozen local governments encompassing three counties to amend their comprehensive plans to make them protective of the elements of the spring shed in ways that were not previously available. Recommendations that led to this legislation came out of the work of two Task Forces that had been appointed by the Governor. He suggested that if they were to do something positive at the local government level, it would be something that encourages the amendment of the local plans to put the CERP footprints there. He said that he along with Audubon of Florida is very supportive of advancing the land use cause so that local governments can be protective in their decisions. The only thing that will make a difference to the success or failure of CERP is the ability to acquire those lands and put them in public ownership as quickly as the footprints are developed. He encouraged the group to look at redoubling the land acquisition effort and pursuing a variety of means to get CERP written into each of the local government comprehensive plan.

Dan Clark (Cry of the Water) provided a handout on the Broward Beach Project (Encl. 11). He showed pictures depicting Cyanobacteria on the hard corals. The Army Corps of Engineers has put out the permit for the Broward County Beach project that will dredge a couple million cubic yards of fill material with no special conditions in it for turbidity. There is no sand bypass in the permit, which is the only sustainable solution in dealing with a lot of these land base sources of erosion. The sand that will be used is "junk" and is not durable. It will be easily suspended and will break down similar to the sand used in the Boca project. They are wasting tax payer dollars while destroying thousands of corals in the process. Advanced water treatment is needed and they cannot continue to "pump this garbage out onto the reefs". The legacy will be that the agencies have permitted the destruction of the reefs. The dredge and fill project along with the bleaching and Cyanobacteria will be a lethal cocktail and will cause a holocaust this summer. Frank Bernardino asked what Broward County's position on this issue was. Dan Clark said that they have set their sights on this dredging project a long time ago and he cannot get them to address these alternatives. He said they have abandoned their ordinance to deal with these issues.

Stephanie Clark (Cry of the Water) said she wanted to once again talk about the mitigation for the Broward Beach project. She submitted her written comments (Encl. 12) and noted she has addressed this issue at

prior meetings and it was reflected in the March 2004 minutes. She has been asking that no corals be transplanted until it has been determined that it is viable mitigation. From the start of the project, she has been reporting continuous violations of the permit to the Corps. She said she has tried to voice her concerns at other meetings, she has been told that that is not the place to discuss the projects and she has no other avenues to discuss her issues.

Meeting adjourned at 5:50 PM.

*Approved Minutes  
South Florida Ecosystem Restoration  
Working Group Meeting  
Stuart, Florida  
July 23, 2004*

**Welcome**

Jay Slack called the meeting to order at 8:30 AM. Greg May introduced Jim Barnes, a new employee with the Office of the Executive Director. Wayne Daltry moved the May and March minutes for approval. Motion was seconded and the minutes were approved without objection. Jay noted the Task Force has asked the Working Group to provide information or a list of issues as it relates to the multi-species management issue. The Task Force would like to move this issue forward and it could mean they would come back to the Working Group with specific assignments in the hopes of moving this issue forward. The Working Group has had a series of workshops at the last three meetings to help the members have a common understanding of the issues and a broader understanding of what things they may or may not be able to work on. Seven broad items were identified at the workshop held in the Keys and are included in the materials (Encl. 13) for further discussion later today. The workshop scheduled today includes discussion on the Avian Ecology Workshop which was held as a means of refreshing everyone's memory and then they will try to frame something that could be presented to the Task Force.

**Multi-Species Management Workshop – Part II**

Bob Jones reviewed what was planned for the workshop discussion which would begin with a brief discussion of what they mean by multi-species management, followed by a panel presentation where Deborah Brosnan will lead a panel discussion. The Working Group will then have a brief check on criteria that the members could individually or collectively use to think through and begin to judge what the most important management issues that the Task Force and Working Group could develop further. They will then review the seven issues to see if they need to add anything and then rank the top issues for presentation to the Task Force. In reflecting on the March Workshop it seemed that they were having questions about what is multi-species management and whether they all have the same concept in mind. They would start this discussion with draft definitions which have been provided and are found on page three. He asked them to read these definitions and rank them. The members ranked the statements as follows:

A. Multi-Species Management - eleven ranked it as okay and nine members ranked it with minor reservations. Craig Tepper said there are many efforts and he was not buying into any one effort. Kenneth Todd questioned to what degree it was achievable to have a zero negative impact for all species. Joe Walsh said he wanted self sustainability included in the definition. Frank Bernardino said the SFWMD didn't understand what was meant by the comment "while providing for sustainable, social, economic use" and asked for further clarification. Rock Salt said that as they move towards restoration there are some species that will be negatively affected.

B. Multi-Species Recovery Planning - seventeen ranked it okay and two members had minor reservations. Craig Tepper said the second part supports efforts to acquire lands and there are many rights associated with this. Jay Slack said that one of the goals of the Multi Species Recovery Plan was to have that document help guide which lands are important to acquire. Once the decision to acquire lands is made then you need the tools to figure out which are the best ones. Jay Walsh said his agency is assuming that the only way to get the conservation they need is to work with private landowners. Jay suggested this could be reworded and it is just a tool to identify rich lands for ecological conservation.

C. Single-Species Management - thirteen ranked it okay, three members had minor reservation and two had major reservations. Joe Walsh said his own agency has experienced, with criticism, that when a unit that has great value to multiple species and is managed for one or two species, then "you" end up creating an exclusion of others. The description is accurate but the application of single-species management is not desirable. Wayne Daltry said that single-species is management for a single species. Rock Salt said that if changing from management of a single species in coordination with others, the point is that single-species

management doesn't necessarily mean it's being done comparably. Jay Slack noted that sometimes it's hard and sometimes it's easy with respect to affecting other species. Bob Jones noted that for purposes of this discussion, they are trying to determine what everyone's definition and make sure everyone is on the same page.

D. Single-Species Recovery Planning - majority ranked it okay, two had minor reservations and none had major reservations. Craig Tepper said he was not comfortable with the genetic restoration example given. Joe Walsh asked to change his vote and was now okay with the definition. Bob said the idea of the example was to make sure the definition was understood. Jay said the point is that sometime some endangered species may be listed because it has some problem, for example a ring worm that was brought from Asia that only affects that species. That would be a single-species recovery issue.

### **Avian Ecology Workshop Review**

Bob Jones noted the purpose of the session was to inform the group of the results of the Avian Ecology Workshop. At the end of their discussion they will be asking what the key management tasks, questions and issues that will be taken back to the Task Force for their consideration.

Dr. Deborah Brosnan introduced Peter Fredrick and Reed Bowman. She provided a presentation (Encl. 14a) and noted the goal was to help advance the restoration effort through a multi-species approach. The key objectives were to articulate the science and help reach a common understanding of that body of knowledge as well as a common understanding of the uncertainties and secondly, to use that science to address key multi-species management and policy questions. Two workshops were held and focused on four different bird species: Wood Stork, Snail Kite, Cape Sable Seaside Sparrow and the Roseate Spoonbill. A full, open and up to date presentation was presented and that science was then articulated and debated openly between the panel members and the scientists themselves to reach agreement on what the science was saying, how certain they were about the conclusion and where the areas of uncertainty were. The panelists were asked to evaluate and synthesize the information. This process creates a track record of the most current and best available information and the scientific evaluation of that information including those areas of uncertainty. Dr. Brosnan reviewed the key questions that were asked and added that the panel was asked to pay attention to areas of uncertainty and risk. The panel was also asked to evaluate the quality of the scientific information and data needs. Based on the scientific evidence, the panel concluded that CERP will benefit all four species. There were no apparent trade-offs because the species are diverse in their requirements and a restored Everglades will support a sufficiently wide range of conditions with broad temporal and spatial variability. One of the assumptions in reaching this is that the hydrology and habitat restoration goals of CERP will be met. In restoring the ecosystem, they expect to change the distribution of habitats. There will be a transition process and the species are likely to be stressed during transition. Based on the scientific evidence, the panel concluded that based on their ability to move and their distribution range, storks, spoonbills and kites appear to be sufficiently resilient to withstand the transition to full restoration. Sparrows are not as resilient and making them more vulnerable during the transition and there are current information gaps that create uncertainty. One of the goals of restoration is to create the full complement of habitat and processes of a near natural ecosystem with the expectation that these habitats would support the full complements of transition. In meeting that goal, they have to look at where to put their efforts to ensure that the species do occupy their habitats and that the full complement of species are present. The second workshop focused on the policy and management questions. How do they prioritize their management and where are the areas of risk and vulnerability that they need to address. This is not saying that they take a single-species approach or a single-issue approach and it is about where they invest their scientific and management effort. In the short to mid term, what are the specific areas of uncertainty that they need to deal with, what are the data gaps and questions that they need to address.

Reed Bowman noted they all agreed that transitional stressors were very likely (Encl. 14b). There needs to be a proactive or interventionist management to prevent the sparrows from declining to certain levels and they need to intervene to keep them from going extinct. They need to move ahead with restoration based on their best available knowledge but they have to be "tuned in" to the response of sparrows to specific management actions. Peter Fredrick added that CERP is likely to benefit the sparrow in the long run. In the short term, the uncertainties are fairly large. Because it is a small population and they are unable to move very far, their resilience is a lot lower than other species. Reed Bowman explained the panel was

tasked with identifying what could be done to reduce some of this uncertainty. There are other drivers of population dynamics that are not as well understood as hydrology and fire. The population west of Shark River Slough have not responded in a way that is consistent with predictions and models based on hydrology and fire and they want to know what other variables have occurred in those areas, drivers could be based on a number of things such as predation, disease or vegetation structure. One of the questions that came up was when will the decision to intervene be made in those instances when they needed to intervene. Dr. Brosnan added that intensive management involves shepherding a species with a little more care would not be done at the expense of other species and would not involve a tradeoff.

John Ogden said he was not sure how they came up with the first conclusion that the sparrow would benefit from CERP when it is less resilient to stress. Peter Frederick said that some day it will benefit, the major condition, all of the CERP conditions have to be met. The probability of all the CERP conditions coming true is not a given. Much of the hydrological information they were given at the time of the meeting was of medium to low quality even though it was the best available. They also based their conclusion on expert opinion and Dr. Stuart Pimm agreed that CERP will eventually benefit the sparrow. Deborah added that there was a moment of consensus on this point. John Ogden noted that the caveat is that if CERP fully meets its objectives, the world will be better for the sparrow. Wayne Daltry asked whether the sparrow is found in any area that will not be affected by CERP. The answer was no. He also said that if there is a possibility that the sparrow will not survive, then they should start creating new places for the bird and broaden their habitat areas. Reed said that one of their recommendations was the development of translocation protocols right away. There are opportunities to do some translocation between some population sites that currently exist and it would help stabilize those sites that are in decline and help teach them something about translocation. There are some populations that are relatively stable and population viability analysis would help address confirm that. Jay Slack provided a list of projects (Encl. 15) that he is funding from his office. Some of the studies being mentioned are being funded and \$7 million is being spent over the next three years to plug the holes in the gaps that have been identified. Jay Slack said there are stable populations of the sparrow.

Peter said that what he really sees as happening is a change in their knowledge base which will show what options the sparrow really has. By reducing their uncertainty in knowledge, they think they will have a different take on this. Wayne Daltry asked whether every sparrow habitat would be affected by CERP. Reed clarified that subpopulation B will not be affected and the populations in the eastern most part of Everglades will benefit. Populations on the east side of Shark River Slough will stay the same and conditions will be wetter on the west side of the Slough and there is uncertainty as to how the population will respond. They must also conclude that their conclusion that the sparrow is less resilient is also uncertain and it may be more resilient than they think. Jay Slack said they collectively measured the movement of two sparrows and one was 22 miles and the other was 8 miles. Ray Scott asked what information they have that leads them to say they are less resilient. Peter said that they know the sparrow does not occur outside of the habitats they are in now. The same is not true of the other three species which occur in other areas. There is also a very large amount of literature which suggests that the sparrow is sedentary. Rock said that the thinking on the sparrow is in part influenced by the lessons from the Dusky Sparrow. Peter noted that the Dusky Sparrow went extinct and many mistakes were made one of which was not realizing soon enough how endangered the sparrow was. The Cape Sable Seaside Sparrow populations are much larger. Jay Slack added that there are some specific things they learned. Their understanding about ecosystem management has completely changed from that time. Gene Duncan questioned the whole debate on the sedentary nature of the sparrow when it moved on its own from Cape Sable. He said that it will move again if the park is ever re-hydrated.

Reed said that instead of focusing all their efforts on the hydrology and fire regime, they need to focus on understanding the bird better. Jay Slack said that based on what they have heard, what does this mean to everyone sitting here around the table. He said he is doing everything he can to follow the guidance he has received and feels strongly they are doing everything they can. Reed said that based on \$7 million of research, he is doing a good job of identifying and moving specific research needs forward. Anytime a management decision is made with adverse consequences, they have to go back and reassess the assumptions. Jay Slack also added that some people say that what they are doing for the Cape Sable Seaside Sparrow is holding WCA 3 higher than it would be when in fact they are not causing increased

water levels. He did not disagree that the water level is high and is causing problems for the tree islands but it is not caused by the operations for the sparrow. Dennis Duke said Jay is right, they ran the numbers, actual calculations based on water inflows to 3A and outflows through the S-12 structure as part of the Interim Operational Plan. Calculations they ran for both ISOP and IOP have indicated they have been able to achieve lower water volumes. Deborah closed by saying that many regions and groups are struggling with the multi-species approach. Scientifically and from a policy perspective they have come to understand that if they are going to restore functioning ecosystems, they need to take a multi-species approach and it is a three pronged approach which is unprecedented. This is unprecedented both scientifically and from a policy perspective. She has been talking to a number of different groups from the Packard Foundation to the Chesapeake Bay to places in the northwest and said “you should applaud yourselves for being on the cutting edge of this. Many groups are struggling with the challenge of having laws and policies that may not necessarily take a multi-species approach.” What is being done here will probably become a model for other systems.

### **Management Challenges**

Bob Jones reviewed the three management challenges and asked whether anything was missing. John Ogden said a couple of ideas that are not well captured: the links between the gaps understanding/high levels of uncertainty consideration that raises questions about management decisions; the second idea is the tradeoff idea, if it appears or if there is a perception of management being forced to make tradeoff decisions. Joe Walsh said he would like to capture that as they enter into this challenge mode, they are looking at practices that are so successful that they end up achieving a level that they are no longer necessary.

Bob Jones reviewed the seven key strategic issues found in the Executive Summary. Jay Slack asked that they get the concepts ranked and focus on higher priority ones and not get hung up flushing out the text which is still rough. Rock noted that he has come to understand the term multi-species management or species management as generic and the term recovery or recovery planning as focusing on that subset of species that are called threatened and endangered species of concern. He asked that a word like recovery be used to indicate they are talking about the specific subset. Jay Slack clarified they are attempting to identify items that are key challenges that need to be addressed for Everglades restoration by the Task Force member agencies. Wayne noted that they need to rewrite item G or add an H because communication is not energizing the non-agency landowners in South Florida and they need to participate in multi-species management recovery. Jay said that G should be incorporated into A through F and G should be re-written to reflect Wayne’s comments. He also said that number two may be the item that carries Rock’s message as it relates to specific actions for threatened and endangered species through CSOP and recovery. Greg May said they need to make a stronger connection between science and management in this process. Translocation protocols would be some of the scientific data that managers need. Roman Gastesi said he did not see the balance issue: urban water supply, flood protection and the operational flexibility. Bob Jones said it could be added as on the end.

Jay Slack noted he needed to present this to the Task Force and wanted to provide them with some issues that they could “chew on”. Bob asked the members to tell them, from their agency’s perspective, their most important management challenges. Kenneth Todd said timing and balance are the most important. They need to make sure they don’t take forever. Periodic milestones need to be shown to show that progress is being made. They need to balance the components of water resources, wildlife protection, flood protection and water supply. Joe Walsh said he liked having the science that’s involved with the management. He also liked Wayne’s idea of getting the private stakeholder involvement into the management and the third thing was recognizing the full scope of what the science supports and recognizing the difference between that and values. Wayne Daltry said item H and Goal area three were the most important to him. Carol Clark said that the science and multi-species management pose the biggest challenge for her agency. Alex Chester said that marine habitats would be the most important from his agency’s prospective. An additional item would be the potential to make drastic ecosystem wide changes in the “pelagic habitat”. Steve Beckwith agreed. Joe Frank said he wanted to see better coordination for these current projects between agencies and they should be looked at a more regional level rather than site specific, project by project and tie in with facilitating implementation.

Greg May said the issues that have not been identified under goal one are the mortality thresholds and the translocation protocols - the tools that managers need so they can make decisions in the interim. Jay Slack echoed what Joe Walsh said and he would like to see B have more of a flavor of interagency communication and coordination to resolve those issues. John Ogden said he was uncomfortable with just picking one, he would pick six. Rock agreed with Roman's balance concept as a new item I. Dennis agreed with Ken with regards to timing. CERP is being accelerated, people are interested in seeing things on the ground and they are moving ahead with implementation. The management and science link is also very important with management being forced at times to make decisions without the science. John Outland said that he would go along with science and multi species management. One of the things he wanted to see was the need for maintenance of habitat heterogeneity, from the short hydroperiod wetlands, mangroves and ridge and slough communities. Ed Wright said he liked number two, five and number six would be his top choice. Jess Weaver said he liked B because there have been some good points already made about the need to improve the link between science and management. Good strong peer reviewed science helps science stand the test of time. He suggested for content that four and five be combined as a water quality topic. Gene Duncan said his number one priority would be to move sub population A before its breeding season starts, keep the S-12s open and expedite the 3,000 foot Tamiami Trail bridge. Those are things that will accelerate Modified Water Deliveries and save the sparrow. Marjorie Bixby said she liked six and saw A as a subset or F. Roger Wilburn said B is the biggest challenge but is linked to F. Roman Gastesi said new item I because if the elected officials don't have any water to drink and they are flooded out, they will not support this. Ray Scott said he agreed with Roman. From the perspective of his agency, they have constantly emphasized the balance in all their efforts. He said something missing from the list was the managerial adaptation. Craig Tepper said he supported F which he thinks works with the goal areas one. He did not want to discount what Wayne said about the engagement of the public and private owners. There are some private owners that do a much better job of managing their lands. New added items that were added are: H) Energize non-agency landholders; and I) Urban water supply, flood protection balance with multi-species management as a topic.

The members voted as follows on items A through I: A – 6 votes; B – 18 votes; C – 2; D – 3; E – 3; F – 12; G – 2; H – 5; I – 7.

Jay Slack said he will report this to the Task Force and wanted to make sure the group was comfortable with him presenting this to the Task Force and the answer was yes. The members wanted to make sure that Jay told the Task Force that they voted the way they did was because they thought A was a done deal. Bob Jones noted that those members who wanted to vote again were able to do so.

### **CERP Performance Measures**

John Ogden introduced Brenda Mills who provided a presentation (Encl. 16) on behalf of RECOVER. Brenda and Kim Jacobs co-chaired the RECOVER technical team that is responsible for this document. RECOVER is producing a large number of technical documents and will continue to do so throughout the implementation of CERP. These documents will be sent out towards the end of the process for the widest possible informal review. This is still in the RECOVER process and the document has not been transmitted yet to the Corps and the District. This does not replace formal agency and public review which will happen at the discretion of the Corps and the District when they receive the document.

Brenda Mills recognized Kim Jacobs for her help on this document. She provided a presentation (Encl. 16) and reviewed the process to complete the CERP system-wide performance measures. The completed report will be provided to the Corps and the District in September/October 2004. She reviewed the definition of performance measures as found in the Yellow Book. Each performance measure they have identified has an indicator described and the target or restoration expectation associated with it. There are two types of performance measures, those used for evaluation during the plan formulation process, and those used during the assessment to identify what needs to be monitored in the real world. Three of the six technical teams had the responsibility of deciding which performance measures to use. An ad hoc editorial team helped guide and focus the development of the document. Forty six performance measures have been identified and rely upon the system wide tools of the regional models (SFWMMM, NSM, Lake Okeechobee Water Quality Model and ATLSS) to help predict their performance. The team has spent a lot of time has looked at how to improve the Greater Everglades performance to make them more consistent

across the system. The monitoring plan is being implemented and they are receiving data from new monitoring stations. This is important to have a baseline of how things are working now before they start changing things with CERP. There will be future developments of performance measures as new models are developed or as improvements to the models are made. She reviewed the organization of the CERP system-wide performance measures report as well as where they are in the process. They are hoping to have comments from the agencies, public and the tribe.

Joe Walsh asked about the changes between the 2002 and 2003 version. Brenda said there were refinements to the assessment performance measures because the monitoring plan had additional improvements. The other changes were as a result of updating the performance measures as a result of the expansion of the 2x2 model to a thirty six year period of record. They also included the simplified conceptual ecological models that are in the MAP. Wayne Daltry asked whether there was a way to build the Southwest Florida Feasibility Study as a tool that will be used to evaluate the current indicators. Brenda said there is some overlap but they have not developed basin specific performance measures because CERP does not have goals and objectives there. Brenda said there are performance measures for Florida Bay but not for the reefs. Rock Salt asked whether the interim goals are a subset of the assessment performance measures. Brenda said that for the most part, yes, only because they are forced to use models that predict where performance will be in 2010. Gene noted the report has graphs and charts which helps in understanding the relationships both hydrological and biological indicators. He notes his concern that the biological indicators are going to overshadow the hydrological indicators. People will see certain species in decline and they will outnumber the ones in recovery and that will cast a negative on hydrologic restoration. The text does not reflect that more weight should be given to the hydrologic rather than the biologic. John Ogden said this has been the topic of many discussions over the last several years. When they put out the predictions on the interim goals, it will help manage expectations about these response curves. For some species, they will see a lack of response or a negative response. They have been firm in evaluating proposals for species and multi-species performance measures and insisting that whoever proposes these demonstrates that they can make the case that this is an indicator of a much larger ecosystem condition.

### **Corps Project Update and Discussion**

Dennis Duke provided a presentation (Encl. 17) noting they are still acquiring land in the 8.5 square mile and should be completed by 2005. They have been working with the demolition of the homes. They have a contract for the construction of the levy, canal, pump station and stormwater treatment area that was advertised in May. They have a challenge with the recent escalation in land prices throughout south Florida and that combined with the demand overseas for construction material (concrete and steel) has been increasing costs for Modified Water Deliveries. This could mean a cost increase of up to \$100 million. They have completed the U.S. 98 improvements as well as improvements to Lake Istokpoga as part of the Kissimmee River Restoration. There was a lawsuit about an inverse condemnation, additional flooding of land where the plaintiff won. As a result, there may be additional impacts and the Corps is working with the SFWMD to assess the impacts. The first two Critical Projects (Keys Carrying Capacity and the C-4 East Coast Canals) have been completed and four are underway. Southern Crew, Tamiami Trail Culverts and Lake Trafford Restoration are on hold due to funding cap. The original nine projects were right up against the \$150 million cap, since that time, they have had a few years of inflation and the projects costs have gone up and the cap is still the same. They will not be able to execute these three unless the cap is increased. However, they are looking into implementing them under CERP since they were included as other project elements within CERP. SFWMD is working to construct the Tamiami Trail Culverts just south of the SGGE to facilitate the flow across the Trail. They have also awarded the contract to initiate construction for Lake Trafford. The Continuing Authority Program is where they blend old Corps programs (C7, C8 and C9) which are modifications to the existing canals for the improvement of the environment. Although reports were prepared and approved, there is a funding challenge nationally for this 1135 program and work has been suspended at this time. They hope to have funds in October to continue the projects. He highlighted some of the projects that are a part of the Central & Southern Florida Project, which was authorized in 1948. Upper St. John's Basin has been completed and over 117,000 acres of wetlands have been restored. They are working to get the second phase of the Manatee pass gates funded. C-51/STA-1E is under construction. The C-111, land swap legislation is pending before Congress because of the magnitude of the project. The reconnaissance report for the Miami Canal Study has been completed

and they are working on the PMP. Under the CERP, the Lake Okeechobee Watershed PIR is underway and is expected to come out in 2006. The C-43 Basin Reservoir PIR is also underway. They are trying to limit this effort to just what was included in CERP. The three Aquifer Storage and Recovery pilot projects have been lumped into one design report and have been sent out for review and comment. They are now addressing the comments that have been received. The PIR is underway for the Everglades Agricultural Area. Rock asked how the District's acceleration fits in with what the Corps is doing. Dennis said they are working hand in hand with the state and trying to take advantage of available funding. They are continuing with the PIRs and will do most of that work and the WMD will be able to take the plan and move forward with it. A hearing with the House Transportation Infrastructure Subcommittee was held the prior day. The main issue was what the Indian River Lagoon had to do with the Everglades. They explained that when the St. Lucie canal was connected to the lake, it brought it linked it to the overall system because now when they change how the water flows it has a direct impact on the Everglades. Another questions was why this project was being done first. The Corps believes that you fix the things around the Everglades and then start fixing the things internally.

### **Land Acquisition Task Team**

Mark Musaus reported the team is working on the draft strategy document. The draft plan will be sent out the following week and comments should be provided by August 9<sup>th</sup>. Team will meet on August 10<sup>th</sup> in West Palm Beach and will work on a new draft version. Final version will be provided at the September Task Force meeting. They have been working hard to make sure this works with the Strategic Plan.

### **Public Comment**

Dan Clark (Cry of the Water) said he wanted to address something other than the reefs. He reported that he attended a City Commission meeting in Hollywood where a new firm was hired to deal with their sludge. A new contract will dump this sludge on Indian lands. A group has signed a contract with the Seminole Tribe to take sludge from the sewer plant in Hollywood. They have found out that the leach from the dump and the landfill goes to the County plant. The leach from their incinerator is piped over to the plant in Hollywood. They have been exceeding their permits for awhile and he was concerned with what may be in those solids. He also attended a meeting with the group dealing with mechanical damage impacts and the Project Manager that reviewed the Broward Project said she did not have enough time to read the entire thing. He said there has not been enough oversight of the burrows sites.

Stephanie Clark (Cry of the Water) thanked the group for always accepting her comments noting she always means what she says. She clarified that when she uses the word "you" she means the agencies in general. She gets similar responses from other Project Managers who say they do not have time to deal with this stuff. Time has to be made. People who are reviewing projects should at least read the EIS and the comments that are sent in. When she asks questions, she expects a clear response.

Greg thanked his staff for their support and John Carnes for the fine audio and video support. He also thanked Deborah Brosnan, Peter Fredrick and Reed Bowman for clarifying a lot of the science that took place as well as their contributions to the Working Group.

Frank Bernardino said that one of his goals when he came to the Working Group was to keep the group focused and keep the group from developing its own agenda without direction from the Task Force. There is a part of him that goes out and feels strongly about the Clark's efforts and noted they were two very dedicated citizens. He has talked to his peers around the table and has been told that there is some validity to the issues they are bringing forward. He asked whether there is something the group can do in addition to just thanking them. He would like to see some action come out of it. Jay said he appreciated Frank's comments and he hopes that the group that has some stake in the issue and is listening and public comment is not falling on deaf ears. Roman asked whether this could be an agenda item for the Task Force. Jay replied that they've had these presentations at their meetings as well and that agenda may be influenced already. He briefs his agency folks on these types of issues. Greg noted that the Clark's said that this may not be the right public forum but it is a reliable public forum. Dan Clark said he wished this could be on the agenda. He said he filed an official grievance with the Coral Reef Task Force over this very project.

Meeting adjourned 1:17 PM.

Enclosure:

1. Agenda
2. Minutes
  - a. March 29-30, 2004
  - b. May 5, 2004
3. Biscayne Bay Membership
4. Strategic Plan
  - a. Power Point Presentation
  - b. Draft Plan (June 23, 2004)
5. CERP Programmatic Update Power Point
6. Florida Growth Management Power Point
7. Miami Dade County Power Point
8. NEWTT and FIATT
  - a. Power Point Presentation
  - b. FIATT Update
  - c. STEMS Development cost breakdown
9. Litigation Update
10. Museum of Discovery and Science Power Point
11. Written comments from Dan Clark
12. Written comments from Stephanie Clark
13. Multi-species Workshop materials
14. Avian Ecology
  - a. Debra Brosnan Power Point
  - b. Peter Fredrick and Reed Bowman Power Point
15. USFWS Avian Ecology/Candidate Conservation Projects
16. CERP System-wide Performance Measures
17. Corps' Power Point Presentation
18. Museum Collaboration Committee Outreach Plan
19. Working Group Roster