

*Approved Minutes  
South Florida Ecosystem Restoration  
Working Group Meeting  
Marco Island, Florida  
October 28, 2004*

**Welcome and Administrative Announcements**

Jay Slack called the meeting called to order at 1:10 PM and reminded everyone that the meeting was being webcast. Agenda (Encl. 1) and draft minutes (Encl. 2) from the July meeting were presented.

<b>Working Group Members</b>	Oct. 28	Oct. 29	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	√	√	
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	√	√	
Gene Duncan – Miccosukee Tribe of Indians of FL	-	√	Terry Rice
Christopher M. Flack – Office of the Governor of Florida	-	-	
Roman Gastesi, Jr. – Miami Dade County	√	√	
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.	√	√	
Ed Wright – U.S. Department of Agriculture	√	√	
Greg May, Special Advisor	√	√	
Ken Haddad, Science Coordination Group Liaison	-	-	

Fred Rapach apologized for not being able to attend meetings due to recent weather activities. Palm Beach County is heavily involved in the Scripps issue which has been delayed due to the alternative analysis. Norman Hemming introduced the Deputy Chief of the Civil Division of the U.S. Attorney's Office, Veronica Harrell-James. John Outland encouraged everyone to listen to the Everglades Radio Network at FM 107.9. Jess Weaver announced, Bonnie McGregor, Eastern Regional Director who recently retired has been replaced by Suzette Kimball. Pam Malam will now be taking over the Florida Integrated Science Center. Carl Goodwin will also be retiring as of January 5, 2005. Craig Tepper reported on the heavy damage sustained by the reservations due to the recent hurricanes. Carol Clark reported NPS fared well with the exception of Dry Tortugas which sustained hurricane damage. She also noted that Patricia Hooks has been formally designated as the Regional Director of the Southeast Region. Alex Chester reported their laboratories throughout the Gulf of Mexico were impacted by the hurricanes. They are also concerned about the impacts of the hurricanes on fish and fisheries as well as the shoreline structures. He noted that the St. Lucie system was ground zero for Hurricane Frances. They are involved in several projects one of which looks at fish abnormalities associated with pulses of freshwater and another which looks at the deposition of sediments associated with hurricane events and tests for contaminants and their potential impacts. Billy Causey reported a huge diatom bloom just south of the meeting location and said it was heading to the south and southwest. He said that water quality continues to be a concern whether it is of natural or anthropogenic sources. He promised to continue to raise the issue of water quality regardless of its source. He also noted that shallow reefs from Looe Key to Sand Key had been fragmented as a result of Hurricane Charley. Although hurricanes do fragment the reefs, the water quality is such that the corals do

not recover like they used to. Roman Gastesi reported the Miami River dredging project, totaling approximately \$75 million, started the prior day and introduced Donna Fries who will work with the Water and Sewer Department. Ray Scott reported they too have been busy with the aftermath of the storms, particularly in trying to coordinate the various federal programs to deal with the substantial damages to agriculture as well as some of the long-term impacts. Ed Wright said they received \$120 million for EWP and \$60 million for ECP which will help with the cleanup.

### **Task Force Update**

Greg May noted the next meeting is scheduled for December 1, 2004 at Hawk's Cay and noted the September meeting had been cancelled due to the threat of a hurricane. He said that the Task Force had approved the Strategic Plan and Biennial Report at their Oct. 6 conference call and that the document was being prepared to go to the publisher. He explained that a third draft of the Plan to Coordinate Science was prepared for Task Force approval. He also noted that the Task Force accepted the Performance Expectations from the CSOP Advisory Team and had forwarded them to the Army. Terry Rice added the Miccosukee Tribe will provide a minority report to go along with the Strategic Plan.

### **One Local Government Response**

Wayne Daltry provided a presentation (Encl. 3) reviewing the Lee Master Mitigation Plan goals, components and progress made to date. Key components of the plan include science, economics and politics, past and future growth as well as land use changes. Future growth will continue to drive southwest Florida's politics and economy. The population in Lee County is expected to surpass one million people by 2030. A future land use map shows  $\frac{3}{4}$  of Lee County as being developed and that will make it difficult to manage resources for the area. Demand for public works will also increase and transportation, water utilities and stormwater will all need to be addressed. There will also be adverse impacts on water resources, habitat and ecological regimes. FDEP has already identified most of Lee County's coastal waters as impaired and these maps are accessible via their website. He predicted that the habitat map will shrink and current resource management areas will disappear. Wayne stated that Lee County does not like what it sees in its future and noted it will not be good for their tourism economy. If they continue as they are they will destroy the very future they desire. The strength of the Lee Master Mitigation Plan comes from the use of existing tools with an annual public investment strategy totaling approximately \$30 million. A number of public and private participants met for months to help identify the places where they can manage their resources better and over 238 sites were identified for analysis in Lee County. They are implementing projects from the list and three prototype projects (Island Park Marsh, 10 Mile Canal and Bonita Bay Flowways) are underway. Richard Harvey noted that credit needs to be given to many folks for making this possible. He said it is important to implement some of these programs to protect the natural areas and the flowways so that good clean water is delivered. Jay Slack asked how he envisioned the different agencies working together as far as permitting goes. Wayne responded that he envisioned a process where the agencies would sit around a table and talk about the permit. Richard Harvey said they are trying to come up with some consistent design criteria. He clarified this is a locally driven process as opposed to a process where different permitting entities take one permit at a time and hoped to see this happen in other counties.

### **Acceler8**

Frank Bernardino reported significant cost benefits will occur as a result of being able to accelerate some projects and he introduced Carol Wehle, formerly from the St. John's River Water Management District. Carol Wehle provided a presentation (Encl. 4a) reviewing the eight projects: C-44 Reservoir/STA; C-43 West Reservoir; EAA Reservoir - Phase 1/Bolles and Cross Canals; EAA STA Expansion; Water Preserve Areas; Biscayne Bay Coastal Wetlands, Phase I; C-111 Spreader Canal; and Picayune Strand Restoration. The projects will provide approximately 50% of the CERP surface water storage, earlier improvements to water quality, water flow and timing as well as greater flood control and water supply management flexibility. Most of the projects will be completed by 2010 with the exception of the C-43. The district wanted to accelerate their financial commitment to provide more than the \$100 million per year that they are putting on the table and determine whether they would be able to engage in the design and construction of this many projects at one time. A citizen committee overseeing the budgeting process at the SFWMD recommended that the district find a way to enter into a financing mechanism. Every year that goes by,

land, concrete and steel get more expensive and the rate of increases for those commodities is increasing faster than the cost of money. The Water Management Districts have specific statutory authority to enter into Certificates of Participation and the SFWMD will be the first district in the state of Florida to utilize this funding mechanism. Certificates of Participation are used throughout the U.S. and are a common financing mechanism for the construction of schools and buildings, etc. She noted the Diamond Valley Reservoir built for the Metropolitan Water Authority in Southern California was the world's largest public works project financed with Certificates of Participation. This method will provide immediate up front funding as opposed to "pay as you go" and will also utilize existing revenues. It is built on the premise that the SFWMD will never raise the millage rate and will never exceed 5% growth in the tax base. The revenue stream generated from south Florida is very lucrative and robust and there is no question that there is adequate revenue. The WMD is confident they will be able to meet their financial obligations. Other benefits include the positive economic impact to the local economy, infusion of local dollars which will create business and employment opportunities. Additional information is available on their website [www.evergladesnow.org](http://www.evergladesnow.org)

The organizational structure was also reviewed noting it mimicked the aggressive public works program that the City of Houston undertook several years ago. She will be overseeing the accelerated construction and Ken Ammon will head up this initiative. The folks reporting to him will largely be from the private sector. Harold Aiken who implemented the Houston Initiative will also be working on this effort and reporting to Ken. The district will make sure that everything meets the specifications of the Corps and that they are compatible with existing structures. They will be fully compliant with the NEPA process for every project. Terry Rice asked about the mechanics involved for the certificates of participation. Carol Wehle explained the certificates exist on paper only and a not for profit corporation is created. The corporation will issue certificates of participation in the marketplace and on an annual basis the Board will appropriate to the corporation, headed by the board of the SFWMD, enough funding to pay the cost of the certificates. It will be similar to a bond issue but they do not have to pledge revenue or go to referendum. They anticipate the debt service for the first issuance will be \$20 million for the first year and ultimately will rise to \$90 million per year. Terry Rice said the Tribe is troubled that they have gone behind closed doors to come up with a new plan. Carol Wehle clarified this is not a new plan and they have come up with a way to accelerate financing. The projects or schedules have not been changed and this is a way to bring more than \$100 million to the table. Terry Rice disagreed adding the sequencing had changed and asked why the Tribe was not consulted and given the opportunity to participate in putting this together. Carol replied the WMD has an obligation to bring \$100 million on a yearly basis and it never seemed to be an issue of where they got the money. Terry Rice noted they brought in Interior and the USACE and he could not understand why others weren't included. Terry Rice asked why Modified Water Deliveries (MWD) wasn't made one of the projects to be accelerated. Dennis Duke replied that MWD was authorized to be 100% federally funded. Terry Rice said they are trying to fix the Everglades but yet they cannot do MWD, which allows the water to flow through the Everglades. Dennis said these projects capture and store water at the upper end of the system and all very important and the federal government is committed to doing everything in its power to complete MWD. The district is helping the Corps with the conceptual plans for the alternatives and once they have a tentatively selected plan that has gone through the alternative evaluation process then the detailed designed will be launched. Terry Rice said this goes beyond what was laid out in the CERP process and this has not been through the public process. Dennis explained that who actually does the work and not the process is changing. Terry said this was scary to the Tribe and said he was concerned that projects will be built without a NEPA process and input from a lot of people. Carol Wehle disagreed and said they recognize the sensitivity of having a NEPA process and have gone to great lengths to have NEPA built into the entire process. A PIR and 404 Process comparison (Encl. 4b) was provided and Carol clarified that a project would not be built until the NEPA process had been satisfied, the PIR process completed and the 404 permit issued. Terry said that means that everything they are doing will depend on WRDAs. Dennis responded yes and no, federal participation will depend on a WRDA but if a 404 permit is issued, then it will not depend on WRDA since the WMD can proceed with construction on their own. Terry noted that Dexter Lehtinen had asked that this issue be on the December Task Force agenda.

Ray Scott asked what risks there were. Carol Wehle said they see a minimal risk, but there is a risk with the design of the project. It is the intent of the district to closely link the 30% design phase of the project with the PIR process. Craig Tepper said he has similar concerns and asked about the long-term financing

plan. Carol stated the Ten Year Strategic Plan on their website has ten years' worth of projects laid out. The Acceler8 portion is not included because at the time the WMD was looking at using public/private partnerships to accelerate the three reservoirs. Part of the economic analysis was to see how much money they had available without impacting other projects in order to enter into public/private partnerships. One hundred percent of what they are about to do is solely dependent on the revenues of the SFWMD. Carol Wehle added that over the last six month period, the SFWMD has done a tremendous amount of economic analysis. They Governor has a very conservative debt policy and they had to find a creative way to put an organizational structure together without increasing the number of full time employees and these managerial issues had to be dealt with before conversations began with the federal partners.

### **Relationship to STA Advancements**

Gary Goforth provided a presentation (Encl. 5) on the expansion of stormwater treatment areas. Approximately 18,000 acres of STAs will be added to the Everglades program using land that became available from the CERP project. Six STAs have been constructed and their performance has been exceptional along with the Everglades Agricultural Area BMPs. However, they need to do better to achieve the long term phosphorous goals the state has set. As a result of a preliminary analysis it was determined that all of the storage requirements could be achieved within a smaller footprint. They are now looking at an average reservoir depth of 10-12 feet rather than 6 feet which will free up 18,000 – 19,000 acres of land to be used as additional treatment areas. This project would be processed as a modification to the existing ECP 404 permit and they would be applying for modifications and satisfying all of the NEPA requirements. Richard Harvey asked if they had addressed the issue of optimized performance as required in the Everglades Forever Act. Gary replied yes and in addition they have found that there will be more flows and loads going into the STAs and they will be treating more water than they anticipated. Gary said that the new information, new lands as well as the 40% additional treatment areas combined will enhance their ability to meet the water quality goals.

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

Dennis Duke provided a presentation (Encl. 6a) on the draft Master Implementation Sequencing Plan (MISP) which will define the order in which the projects will be planned, designed and constructed. Banding was introduced earlier this year and deals with the grouping of projects into five-year increments which will enable them to focus their resources on those things that are coming up. A comparison (Encl. 6b) of the completion dates was provided. Next steps include seeking formal input with the final MISP and banding to be completed by December 2004. Next he reviewed the current program (Encl. 6c). Acquisition in the 8.5 Square Mile Area is ongoing for the Modified Water Deliveries project. A total of 414 tracts have been acquired out of the 835 needed. Eighty individual tracts of land have been added. Demolition of structures is proceeding as they are acquired. They are engaging the aid of the NPS real estate folks to ensure acquisition proceeds on schedule. Construction of the 8.5 SMA has been placed on hold because of cost increases and they are developing options to obtain additional funding so that they can award the contract by the first of next year. Fuel costs have affected asphalt, concrete, steel and other costs and costs associated with the Tamiami Trail. Cost estimates have increased from \$28 million to \$54 million and they have recalled the report from Headquarters. The NEPA process is being reinitiated and is scheduled for completion as other elements are proceeding. Construction is continuing for the Kissimmee River Restoration and they are working to put the plans and specs together for the next backfill contract to be let in September 2005. Two Critical Projects have been completed and four are under construction. The last three (Southern Crew, Tamiami Trail and Lake Trafford) will be converted over to CERP because of the funding cap. Detection devices and sensors are being installed on numerous structures and Phase II will begin early next year on the balance of the structures. Miami Dade Canal Study, a regional canal study, is a flood control effort for the greater Miami Dade to look at the system and determine needed improvements.

Lake Okeechobee PIR is underway. C-43 Basin Reservoir PIR is underway and they are adjusting the schedule. Because of the high water levels in Lake Okeechobee they are making large releases through the St. Lucie and Caloosahatchee. They did request and receive approval for deviation to release water south but are currently not acting on it. Three pilot projects for Aquifer Storage and Recovery (ASR), final pilot project design report has been and transmitted to ASA. They have put in a new construction start proposal for 2005 and are awaiting action. They have a Chief's Report for the Indian River Lagoon (IRL) and they

hope to have a WRDA 2004. They have initiated detailed design and have accelerated the C-44 which allows the balance of the IRL effort to also be accelerated. Reconnaissance for the additional 245,000 is on hold pending completion of the ICU.

### **CERP Programmatic Update**

Dennis Duke provided a presentation (Encl. 7) noting that an agreement was executed in June with the National Academy of Science (NAS). NAS has appointed a committee, CISRERP, to review the Plan's progress towards achieving restoration goals. They will produce a biennial report to Congress and their first meeting was held on October 25-26 in Jacksonville. He reviewed the six Guidance Memoranda that are being developed. Stu Appelbaum is leading the interagency team in Jacksonville developing the GMs which will be released in November for a 30-day review period. GM 5 and 6 identify the water to be reserved for the environment and contain the savings clause assurances. Key issues include differing expectations about the scope and concerns related to the technical procedures and level of assurances. The Pre-CERP Baseline is being developed by a team and requires approval by the Secretary of the Army with concurrence from Interior and the Governor. Initial CERP Update (ICU) includes the updated SFWMM v 5.4 that contains an additional five years (95 – 00) of data. Model runs have been completed and significant changes were found because of topographic changes. Interim Goals and Interim Targets will provide a means to track progress at specific intervals and the draft agreement will be available for the December Task Force meeting. Terry Rice said he has heard that there will be no more money provided for MWD until the Corps can justify their numbers. Dennis explained that the estimate they submitted will leave them \$120 million short of what they need. Everyone is working on finding the funds needed to continue the project.

### **Southwest Florida Regional Restoration Coordination Team (SWFRRCT)**

Lisa Beever noted that she along with Bob Sobczak, are the co-chairs of the team. She provided a presentation (Encl. 8) reviewing the team's organization and accomplishments. The team is conducting research and restoration throughout the SWFRRCT study area. The methodologies established by this process were picked up by the Feasibility Study which expanded their work. Much of the work established by the team has also found nationwide utility. Four projects of critical needs have been identified in each of the four principal watersheds. They were the first organization to demonstrate broad agency support of the acquisition of Babcock Ranch. Additional information available at [www.babcockranch.org](http://www.babcockranch.org) .

Bob Sobczak reviewed the priorities for the Estero Bay Basin and the Big Cypress Basin. Camp Keais Strand is under imminent development and threat from the town and college of Ave Maria. He stressed that the question was not how to stop development but how to make it compatible with protecting the hydrologic and habitat value of the strand and adjacent wilderness. The team will continue to work to maintain its momentum and expand and update restoration project plans. Jay Slack asked how the Working Group or the individual agencies could help. Lisa Beever said bringing funding to the table and leveraging more dollars. Roman asked about the effects from Hurricane Charley. Lisa Beever said the impacts of Charley were very severe and offered to provide a presentation at a future meeting.

### **Water Resources Advisory Commission (WRAC) Update**

Rick Smith provided a presentation (Encl. 9) reviewing the purpose of WRAC which was created in 2001. Accomplishments include improvements to the Long Term Plan on Water Quality and Improved Lake Okeechobee Protection Plan. An issues workshop on GM 5 and 6 was scheduled for November 15<sup>th</sup> and an Initial Reservations workshop was scheduled for December 22<sup>nd</sup>.

### **Public Comment**

April Gromnicki (Audubon of Florida) said they are in the process of writing a letter regarding the development permit proposal which stands to devastate wetlands in the Corskscrew watershed. She urged the agencies issuing these permits to use caution.

Meeting adjourned at 5:45 PM.

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**Welcome**

Jay Slack called meeting to order at 8:30 AM noting they experienced some difficulty the prior day with the webcast. The July minutes were approved. Fred Rapach asked about the status of the consultation provisions document discussed at the last meeting. Greg May replied the Army prepared a draft document was prepared and that it will be sent to everyone before the next Task Force meeting. John Folks asked whether there was any follow-up comment to the public comments from the last meeting with regards to coral reefs. He noted he routinely takes information back to the agency. He followed up with the Beaches and Shores Initiative with Kacky Andrews from his office. Jay Slack said it was his understanding that this would come up at the Coral Reef Task Force meeting. Greg clarified the meeting is no longer a joint meeting and it was his understanding that Dan Clark intended to pursue this further with the Coral Reef Task Force. Richard Harvey stated that the Corps has already issued that permit and it would be consistent with the permit issued by DEP requiring them to demonstrate they are able to do it without any undue harm. He receives notifications everyday of exceedences caused by operators not paying attention to the GPS systems. It is an incredible population of staghorn coral and Billy and others are looking into having it listed as an endangered species. There will be 28,000 coral colonies that face being smothered. Greg May asked what happened with the required monitoring. Billy Causey said the Continental Shelf Associates were doing the monitoring and when the turbidity level is exceeded, they shut it down. It's to the contractor's advantage to keep the turbidity level down. John Outland asked if this is something an issue team could look into. Billy said he would like to see a task team or focus group look into this project. Greg said the Task Force had asked for specificity. It was not clear if this is a project with good or bad permit conditions. Billy said they found that getting everyone around the table worked and noted the Navy has been a team player in the Keys. Richard reminded everyone that the Southeast Florida Coral Reef Initiative headed by Kacky Andrews at DEP is looking into this issue and a public workshop is scheduled for the following week to address the coral reef issues in Dade, Broward and Palm Beach counties. **He recommended they invite the members to a future Working Group meeting to report on their work. Jay Slack said a briefing could be scheduled following the Coral Reef Task Force meeting.**

John Outland noting April Gromnicki's comments the prior day and asked to have additional information on the Mirasol Project since there are concerns about loss of wetlands. Jay Slack said there are many issues and they need information from Corps regulatory and the WMD. Frank Bernardino said that one of the concerns raised in this forum is how decisions made by agencies like the WMD and USACE impact CERP. There are a lot of wetlands beyond the CERP footprint. The WMD likes to promote things like what is going on in Lee County in terms of identifying resources that become available to try and safeguard the core areas critical to these remnant natural systems. Although they want to be responsive to the public they do not want to second guess regulatory decisions in this forum. The Working Group would need to go back to the Task Force and introduce the loss of wetlands issue when they discuss the priorities. John Outland agreed. Jay Slack said they have a communication role and they need to get smart about an issue and tee it up for the Task Force. John suggested a few of them (Frank and Billy) could write something up for the Task Force.

**Science Coordination Group**

Greg May presented the SCG update noting that Rock Salt was out sick. The Plan to Coordinate Science (PCS) was presented to the Task Force at its October 6<sup>th</sup> conference call and a revised draft will be distributed the following week. SCG is working on three issues. The first issue is the implementation of Phase I of the plan which was developed by analyzing two of the conceptual ecological models (CEM). CEMs have been the basis of a lot of the restoration planning to date. GAO noted that over \$500 million had been spent on science and the SCG has the responsibility of coordinating those efforts at the strategic level. The SCG has identified several issues for the Task Force. As an example, many of the restoration efforts taking place in the Keys are dependent on RECOVER's monitoring and assessment program. But

many agencies fund the MAP and not all of that funding is secure. The second item is the development of Phase II of the plan which will analyze the remaining CEMs. The third item was developing system-wide indicators of success. These indicators are key components of the Strategic Plan and Biennial Report. In 2000 and 2002 the indicators used were based on the 1999 baseline report for CERP. Although it was determined to be the best information at the time, the indicators need to be updated. The Task Force asked the SCG to develop a process for developing indicators for the entire system. Those have the potential of being different from the Interim Goals and Interim Targets that is being developed for CERP. He said the next SCG meeting was scheduled for November 15th at FIU. Fred Rapach said he did not believe that there would be a difference between the indicators since they should be following the same path. Greg May clarified that if they were different they would not be incompatible but complementary. He added they may be different for a variety of reasons. As an example you may end up with the same attribute but it might have a different numerical target for success.

Billy Causey added the need to set targets that are achievable and said the use of conch for example would be good since they are good indicators. Roman Gastesi said Miami Dade County was experiencing funding problems. Dennis said that part of the problem is that CERP is there to supplement the ongoing monitoring. Frank Bernardino reported that the Governing Board has begun to call into question a lot of the monitoring they are doing. The perception of the policymakers and the Governing Board is that there is a lot of redundancy and analysis is slow to come. If they want to ensure they have adequate funding then they have to do a better job of educating policymakers. Monitoring is essential to plan adequately.

### **Science and Multi Species Management**

Jay Slack reviewed two handouts, the first has the key management challenges (Encl. 10a) ranked one through nine. Top five challenges (Encl. 10b) handout has the top five items they voted on along with a list of their discussion. He opened the floor for discussion on how they could take this to the next level. Gene Duncan said that what they do is more important than anything they say and asked what there were going to do with the S-12 structures. Frank Bernardino suggested they come back to this particular issue. Jay suggested they establish a crossover issue team with members from both the WG and SCG to flush out the issue and develop a course of action. Frank Bernardino suggested the work product from the issue team be a specific plan of action. They could provide the Task Force with a game plan containing a series of recommendations on things they need to do. Jay said the SCG is looking at this issue, they are looking at how to communicate science and where the gaps are in science. They are dealing with on a broader scale and the WG needs the SCG's help. Greg said it would be helpful if they could recommend who they think is the appropriate agency or group to tackle an issue. Frank Bernardino noted there was no objection to forming this team and suggested they go to the SCG to develop these ideas further. Jess Weaver said he supported taking this to the SCG and noted the first three bullets were what they needed the SCG to focus on.

Frank Bernardino suggested they discuss what will happen on November 1<sup>st</sup>. Dennis Duke reported the S-12A will close on November 1<sup>st</sup>. Greg asked Gene what he proposed should happen. Gene Duncan said there are options for the one singing male bird in sub population A and suggested they move the bird and keep the structure open. Dennis said that 12A is discharging 700 csf and by closing it, they can offset that amount since the system is dry. Structure 12B will not close until January 1<sup>st</sup> per the current schedule. They have been doing their own modeling and they do not intend to ask for a deviation because of the way the system is responding. Jay added they want to make sure the habitat does not shift to something that it historically wasn't before they can get projects such as Modified Water Deliveries online. As a manager, he has to follow the ESA and prevent the extinction of a species. Gene said they are moving away from restoring natural flows into the park. As long as they provide habitat for the bird in that part of the park then their goal is not restoring the western part of the park. Jay Slack clarified they are trying to maintain the habitat type that has been there for thousands of years. Dennis said that as they introduced the updated topo in the 5.4 version of the 2x2 model they begin to see inconsistencies with water elevations. They are trying to resolve whether the models are accurate. The natural system has been adjusting for fifty years to man made alterations and they believe it will adjust again. In the interim they cannot cause the extinction of a single species while they make these adjustments. Jay added that they acknowledge there will be shifts, but of the four or five avian species, the Cape Sable Seaside Sparrow will have to be watched closely because of its biology. Jay Slack clarified that translocation of birds would take birds to augment

population A. Gene also asked whether the rate of recession would not change due to the closing of that structure. Dennis said except as caused by natural events, given the rainfall, the recession rate would be matched by other operations in the system.

### **CSOP Update**

Jay Slack recognized Steve Hart from Congressman Mario Diaz Balart's office. Carol Rist noted their performance expectations were previously distributed and available via the web. They were unanimously adopted in July 2004. The introduction of the report explains why they unanimously agreed to it. They anticipate using the list of statements as a tool to help the team seek consensus on future advice given to the Task Force. The team has discussed Modified Water Deliveries and is concerned with the escalating costs. The team also understands that without the Tamiami Trail improvements they cannot implement Modified Water Deliveries. The team will begin to evaluate the Corps' alternatives as they relate to their expectations and hope to have specific recommendations. She thanked the agencies for their participation in particular she thanked Dennis Duke.

Frank Bernardino asked what the shortfall was. Dennis Duke replied they have been fully funded at the \$191 million cost estimate. Their current estimate is \$319 million to cover the cost through construction with the bridge alteration they recommended and raising the ten miles of roadway. They are approximately \$130 million short of what they need to complete the project. They were seeing a five percent increase per month in real estate values resulting in a 43% increase and a 30% increase in construction materials due to overseas demand. DOI, USACE, CEQ and OMB are all aware of the problem and are looking at potential funding sources. The focus of the funding is the completion of the real estate acquisition. They have funds to continue with the CSOP effort but they do not have funds to do any of the construction work.

### **Land Acquisition Strategy**

Mark Musaus noted a synthesis document which responds to the Task Force comments will be provided the following week. The Task Force asked the team to look at alternative tools such as less than fee acquisitions through easements and asked for real time examples. In addition to the tools they wanted the team to address the plans contributions to restoration. A new section entitled "Alternative Tools to meet restoration land use needs" has been added. The second item had to do with reporting costs that go back to 1999 dollars. The Task Force wanted a better explanation of how and why these estimates are being used and how they will be updated. The third item dealt with a series of data inconsistencies and the team has been working to correct this. One additional draft will be provided and an opportunity to provide comments will be provided. The document will then be provided to the Task Force at their December meeting for approval. He noted a revised team membership (Encl. 11) reflecting the addition of Ed Wright from USDA. Norman Hemming made a motion to accept which was seconded by Carol Clark. Membership approved without objection.

Gene Duncan said the state is attempting to condemn tribal lands in the Southern Golden Gates Estates and asked whether the state needed to own the land in order to restore it. He noted the Miccosukee Tribe is constitutionally prohibited from selling land once they have acquired it. He encouraged the state continue to pursue less than fee acquisition so that the project can move forward. Craig Tepper noted there are inconsistencies with the maps. John Outland said the map will be provided for review as well.

### **Preparation for December Task Force Meeting**

Greg May noted the December 1<sup>st</sup> meeting will be one full day and will include a joint session with WRAC. Regular agenda items will include consultation items and discussion of the 2004 and 2005 priorities. The Plan to Coordinate Science and the Land Acquisition Strategy may both be handled via a conference call.

### **Public Comment**

April Gromnicki (Audubon of Florida) said she is pleased with the land acquisition plan and said the information will be useful to her organization. Unfortunately there are nearly 50,000 acres that are under immediate threat of development costing about half a billion dollars such as Biscayne Bay Coastal Wetlands, Northern Palm Beach County and WPAs. They continue to advocate for federal funding similar

to the Farm Bill several years ago and they have not given up on a WRDA bill. She asked what role the group will play in helping to protect lands and hoped their engagement would not end with the Growth Management presentations.

Nicole Ryan (Conservancy of SW Florida) stated the group needs to be aware that while millions of dollars are being spent on restoration, agencies are still permitting projects that run counter to restoration such as the Mirasol development in Collier County. Almost 90% of 1,500 acres are considered jurisdictional wetlands and this development would destroy 664 acres of wetlands and facilitate development in adjacent areas. She noted her serious concerns on whether restoration could work when these types of projects continue to be permitted.

### **Open Discussion**

Marjorie Bixby said that the statement was made that Tamiami Trail was not a part of Modified Water Deliveries. She noted that if it was not for Modified Water Deliveries, Tamiami Trail would not need to be improved. Jay said the Trail project is also essential for other components. Dennis Duke clarified that the 1992 General Design Memorandum that put together the plan for Modified Water Deliveries did not include alterations to the Tamiami Trail. It was later determined that the Trail was inadequate to handle the flows and higher water levels envisioned. Technically, the Tamiami Trail improvements are not yet a part of the approved plan for Modified Water Deliveries but the Corps recognizes that some modifications are needed to support the anticipated flows in Northeast Shark River Slough. The CERP included a modification to Tamiami Trail consisting of ten bridges, each 100 feet long and raising and elevating the roadway. It was one of the initial ten components authorized by Congress. They are now looking at what modifications are needed to support the MWD flows as well as future expected flows under CERP.

Frank Bernardino said he has received favorable responses with regards to Acceler8. The sooner they achieve these benefits the better it will be for everyone. They are totally committed to the federal process and complying with NEPA. With regards to the coastal wetlands and Biscayne Bay, they are hoping to get the cash to move quickly since it is under extreme development pressure.

Meeting adjourned at 11:32 P.M

### Enclosures:

1. Agenda
2. Meeting minutes, July 2004
3. Lee Master Mitigation Plan
  - a. Power Point
  - b. Draft Plan (Aug. 9, 2004)
4. Everglades Restoration Stepping Up the Pace Power Point
5. Expansion of STAs Power Point
6. MISIP and Banding
  - a. Power Point
  - b. Comparison of PIR and 404 process
  - c. Corps' Current Program Power Point
7. CERP Programmatic Update Power Point
8. SW Florida RRCT Power Point
9. WRAC Update
10. Multi-Species Management
  - a. Key management challenges
  - b. Top five challenges
11. Team Membership – Land Acquisition
12. Litigation Update (handed out without discussion)
13. Working Group Roster