

*Approved Meeting Minutes  
South Florida Ecosystem Restoration Working Group  
SFWMD, West Palm Beach, FL  
April 20, 2006*

**Welcome and Administrative Announcements**

Ken Ammon called meeting to order at 1:02 PM noting this was his first meeting as Chair. He said that Dan Kimball had been appointed as the Vice Chair. The agenda (Encl. 1) and draft minutes (Encl. 2) were presented.

**Working Group Members**

	Apr. 20	Apr. 21	Alternates
Ken Ammon – South Florida Water Management District	√	√	
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	-	-	
Alex Chester – NOAA, National Marine Fisheries Service	-	-	
Bob Crim - FL Dept. of Transportation	√	√	
Wayne Daltry – Southwest FL Regional Planning Council	√	√	
Dennis Duke - U.S. Army Corps of Engineers	√	√	
Gene Duncan – Miccosukee Tribe of Indians of FL	√	√	
Christopher M. Flack – Office of the Governor of Florida	-	-	
George Hadley – U.S. Dept of Transportation	-	-	
Richard Harvey – Environmental Protection Agency	-	√	
Norman O. Hemming, III - U.S. Attorney's Office	-	-	
Dan Kimball – NPS, Everglades National Park and Dry Tortugas	-	-	Mark Lewis
Kenneth B. Metcalf - Department of Community Affairs	-	-	
W. Ray Scott - FL Dept of Agriculture and Consumer Services	√	√	
Kim Shugar - FL Dept of Environmental Protection	-	-	
Paul Souza – U.S. Fish and Wildlife Service	-	-	Barry Rosen/ Mark Musaus
Craig Tepper – Seminole Tribe of Florida	√	√	
Kenneth S. Todd – Palm Beach County Water Resources Manager	√	√	
Anna Townsend – Bureau of Indian Affairs	-	-	Joe Frank
Joe Walsh – Florida Fish and Wildlife Conservation Commission	-	-	
Jess D. Weaver – U.S.G.S.	√	√	
Rick Wilkins - Broward County Department of Natural Resource Protection	-	-	
Ed Wright – U.S. Department of Agriculture	-	-	Jeff Schmidt
Roman Gastesi, Miami Dade County	-	-	
Greg May, Special Advisor	√	√	
Ken Haddad, Science Coordination Group Liaison	-	-	Rock Salt

**Whiparound**

Jeff Schmidt reported that \$4 million had been allocated through USDA Environmental Quality Incentive Program (EQIP) for Lake Okeechobee. Jess Weaver reported USGS was in the process of conducting interviews for key positions in Florida. He thanked the staff from both ENP and BNP for hosting USGS staff the prior week. Wayne Daltry announced Lee County adopted its recovery strategy. Rock Salt noted the SCG was finishing up their tasks and hoped this group could begin discussing possible priorities for the SCG. He encouraged everyone to attend the GEER Conference in June. He reported he spent some time with Sen. Martinez and was impressed with his enthusiasm and support. Greg May publicly acknowledged Jay Slack as the previous Working Group Chair and noted his many accomplishments. Ken Ammon reported the completion of the Kissimmee land acquisition of roughly 102,000 acres with less than 1% condemnation.

## **Project Implementation Report (PIR) Consultation**

**Lake Okeechobee PIR** - Daphne Ross and Dave Unsell provided a presentation (Encl. 3) and reported team was comparing alternative plans. The goals and objectives of the project are to attenuate the extreme highs and lows in Lake Okeechobee, reduce damaging releases to the estuaries and reduce phosphorus loading to Lake Okeechobee. Post Yellow Book studies recommended more phosphorus load reduction going into the lake and to maintain the lake at 40 ppb through STAs and BMPS. The team evaluated an array of ten alternatives that have been narrowed down to three (ALT 2, ALT 4 and ALT 6). He said that stage improvement goals as well as costs were the driving forces in trying to get as close to the 275,000 acre feet of storage called for in the Yellow Book.

Craig Tepper said while they were trying to achieve the Yellow Book goals he questioned the federal and state responsibilities. He asked how they would meet the state's TMDL and whether it would mean more SFWMD or state legislated projects. Daphne acknowledged the team was struggling with those issues and was looking at a cost containment cap. They were specifically looking at which features they could do with cost share and which features would be done as part of the locally preferred plan. The approach was to come up with the best plan with the best benefits and look at cost sharing later. Craig added that \$350 million would be the state's effort and that would only get them halfway there. He also wondered if the local area would be able to come up with the resources needed. Ken Ammon reminded everyone that historically legislative appropriations have been made for the Lake Okeechobee region. The Governor's announcement of the LOER Program will provide an additional \$200 million over and above to support the program in order to meet their TMDL obligations. The cost sharing piece would be above that amount. Dennis Duke added the team needed to figure out the right plan and then they will figure out how to pay for it later.

Craig Tepper asked for clarification of the Fisheating Creek navigation issue. Dennis clarified there was a navigation issue that the Corps took on as part of regulatory process. Ken Todd asked whether the team was leaning to ALT 2. Daphne said they were and were also looking at replacing a component with other options. Dennis added they were looking at options such as backfilling the canal or flowway which would provide some treatment with less cost and impact. Wayne asked what success they were seeking based on the Yellow Book. Dave Unsell said that in the end a project that meets the storage goal will be chosen and there would be sufficient facilities to meet the water quality goals through the state's efforts. He said he was optimistic that they would exceed the water quality intent of the Yellow Book. The two lead agencies intend to recommend a plan that provides the storage and achieves the water quality targets. Dave Unsell said there were other options they can mix and match. If they lose a footprint or a fraction of a footprint it was possible to make the reservoirs deeper to meet the 275,000 or 280,000 acre feet as long as the money was there. Barry Rosen asked about the other RSTAs that were in the Yellow Book. Daphne said they were listed as other project elements (OPEs).

Rock Salt asked whether there was an expectation that the affluent from the STAs will take it down to 40 ppb. Dave Unsell said they have examined both types and it would be emergent as opposed to submerged vegetation. Their goal was more toward load

reduction and emergent macrophyte would be the right way to go. Dennis added that since the 1999 report the goals for Lake Okeechobee have changed and the focus was on total load reduction as opposed to concentration. Rock asked about potential endangered species. Barry Rosen replied *cara cara* and a special panel was convened and there were some work arounds.

Chris Farrell (Audubon of Florida) provided a handout (Encl. 4) noting that they would submit specific comments to the PDT on the PIR. He noted the two main goals discussed for Lake Okeechobee were the amount of water and the amount of phosphorus entering the lake. He said what was missing was how each project contributes to reaching the overarching goals, especially since they have changed the TMDLs significantly and they could be experiencing more rain. He said it was important for the agencies and the partners to first solidify phosphorus goals and storage expectations.

Newton Cook (United Water Fowlers, Inc.) said Fisheating Creek was the last free flowing stream into Lake Okeechobee and they were talking about damming it and putting a STA on it. As a navigable stream the public has a right to use it and asked whether that right would be protected.

Ken Ammon said the team recognized those very issues with the navigation and cleaning up the water. Rock Salt said he was impressed with the presentation and the public comments adding the team did a good job. Ken Ammon summarized the comments noting there were some concerns on the CERP goals and costs versus the state TMDL obligations as well as the cost containment cap and the limit the Corps was under. They may be looking at a final alternative that may be supplemented by state funds through a locally preferred option. The intent of the team was to first meet the objectives of CERP per the Yellow Book and then deal with the cost issues. The navigation issues for Fisheating Creek were being looked at with a possible flowway concept that would not impede navigation. If they were not successful north of the Lake then they would not be successful. They also need to be mindful of the endangered species, cultural resources and development issues. There were also concerns with getting the 40 ppb on the STAs as well as whether to use emergent versus submerged vegetation. Wayne Daltry commended the team for trying to do everything.

Ray Scott noted his concern over the cost containment cap adding they needed to face these financial realities. Dennis Duke explained that team was given strict guidance and if they have an increase in costs then they need to explain what benefits they were getting with the increase. Rock Salt added that if there was a good reason to go above the cap then Interior was ready to go argue along those lines. He said he found it encouraging that Carol Wehle and COL Carpenter have been pushing these teams from a cost effectiveness standpoint and were moving forward with options that fully meet the storage and water quality goals.

### **Biscayne Bay Coastal Wetlands PIR**

Jeff Couch and Matt Morrison reviewed the project area and the objectives which include re-establishing productive nursery habitat along the shoreline and reestablishing

connectivity between Biscayne Bay Coastal Wetlands, C-111 Basin, Model Lands and adjacent basins. Six Alternatives (no action, YB, E, J, Q and M) were reviewed. The team was currently at the end of the evaluation process. There were errors in the real estate estimates. The recommended Tentatively Selected Plan was expected the following week and the team hopes to post the final report in May 2007.

Mark Lewis asked about the analysis and whether they were meeting objectives, i.e., calculated habitat units. Jeff Couch replied that it depends on the alternative they select adding that all their alternatives meet their objectives. Mark said some of the alternatives improve water quality and connectivity between the different systems.

Betty Grizzle (Everglades Foundation) stated that alternative M provided less than half of the benefits in the Yellow Book and she did not think that was restoration. She acknowledged the pressure the project managers were under but added that this was a critical time to link these issues together with the spreader canal. She said her other concern was with the Regional PDT process. She said a letter had been sent to COL Carpenter stating that the PDTs were not publicly noticed as required by the Programmatic Regulations and the public was not be able to participate in the process before decisions were made. She said the RPDT meeting held that morning was supposed to be a substitute. Ken Ammon said that incorporating the RPDT into the Working Group process would allow for more public input since these meetings were publicly noticed.

Cynthia Guerra (Tropical Audubon) reported the Miami Dade County Commission voted to hold the urban development boundary (UDB) line. The point was to keep the urban area from encroaching the CERP footprint. Her concern was that the projects were being scaled down as a function of cost. Two alternatives that were presented demonstrate two different future conditions - with one project providing a lot of benefits and the other providing minimal benefits. She noted that Miami Dade had been directed by the state to "get on board" in terms of water consumption, reuse and conservation. She was concerned that water of questionable quality would be delivered into coastal wetlands, Biscayne National Park and Biscayne Bay. She encouraged the PDTs and the Project Managers to try and maximize the environmental benefits.

Audrey Ordenes (Biscayne Bay Regional Restoration Coordination Team) noted the Action Plan was presented and accepted by the Working Group. The team was moving forward with implementation of the Action Plan and they were working hard to learn about the individual projects in order to serve in an advisory role to the Working Group. She presented a letter (Encl. 5) on behalf of the team with written comments on the Biscayne Bay Coastal Wetlands Acceler8 project. The team identified two issues above the rest. One issue related to water quality and the uncertainty and risk that could be introduced into the project design by the location of the pump. To address these concerns the team recommends moving it further west. The other issue was with funding being a limiting factor. The team recommends the Acceler8 team consider transitional funding in the budget so that Option 2 could be considered.

Ken Ammon clarified the pump issue was an A8 issue and said that not all the alternatives would perform the same. Rock Salt made a distinction between cash and cost, a large part of the cost was the requirement to score the cost of the project with lands that have already been acquired. Even though the lands were in public ownership, the Corps has to include them as part of the cost even though there was no cash requirement. Ken noted the Corps had agreed to use the purchase price rather than the appraised value. Dennis Duke explained that regardless of who owns the land all the costs had to be included. He said that the teams were encouraged to look for opportunities to achieve restoration and the Yellow Book was intended to be a starting point. He noted that the Corps was not about buying lands just for preserving the land but they had to be part of project. Ken Ammon said they were running out of cash and their land acquisition dollars were spoken for until the end of 2007. There were other programs such as the Miami Dade EEL Program and Martin County local programs that have helped with purchases. Rock said he heard concerns over water budget shortfalls with this project and stressed that his staff was comfortable with reuse.

Susan Markley (Miami Dade DERM) said the Lake Okeechobee presentation was helpful and urged everyone to have the same mindset and apply the same approach to the Biscayne Bay Coastal Wetlands project. She highlighted that this project has a lot of elements and components that could be built in phases which works in its favor.

Ken Ammon summarized the comments which included land acquisition issues needed to be looked at in a collective way and they were already doing that. Consultation with the public should be looked at. There was concern that projects were being scaled down as a function of cost and they should look at what works the best and not worry about who's paying. There was concern that not all the alternatives for the Biscayne Bay Coastal Wetlands project met all the objectives. Land must be included in the project cost and maybe there should be a different category for lands already in public ownership. Financial costs were different from economic costs from the Corps' perspectives. There was also a suggestion to keep opportunities for optimization benefits open. Wayne Daltry reminded everyone that CERP was only 1/3 of the restoration plan and Goal 3 with the human interface needed to be a part of the process. Ken agreed and said one of the drivers independent of CERP that will help them was the TMDL process. It will make the landowners, counties, cities and states involved.

### **Project Implementation Reports - Information**

**Broward County WPA** – Jeff Needle and Mike Rogalski provided an overview of the project including the project area and purpose - to reduce seepage through the protective levees while keeping high quality water in EPA. The draft PIR was released on March 19<sup>th</sup>. Public and stakeholder meetings have been held. The team selected Alternative A4 which met the goals and provided the lowest per unit cost. As an Acceler8 project the team was moving quickly.

**Everglades Agricultural Area (EAA)** – Matt Morrison reviewed the background, project area and objectives which include providing storage for releases from Lake Okeechobee to reduce the harmful effects of flood control releases on the St. Lucie and

Caloosahatchee Estuaries and enable more effective management of water levels to promote recovery of fish and wildlife habitat.. The project was authorized by WRDA 2000 and is being partially implemented under Acceler8. The team recommended Alternative 4 as the Tentatively Selected Plan. The PIR was published in the federal register in February and public review closed on April 10<sup>th</sup>. The Coordination Act Report has been received from FWS and they are incorporating comments into the draft PIR for final publication in June.

Wayne Daltry reported Lee County has provided their comments and he stressed the importance of achieving the goals. Matt replied they went through a diligent reaffirmation process over nine months. They recognize the significance of this project and that it will provide significant benefits. Wayne said his concern was over how well they would achieve the goals and whether they may be under achieving. Ken Ammon stated that everyone recognized the need for a backup plan and the Corps committed to doing optimization studies of all the reservoir systems.

### **Public Comment**

Newton Cook stated that the Everglades restoration was also about a \$10 billion playground that will attract people from all over the world. They want boat ramps in the PIRs adding that there was opportunity for plenty of recreation. They have asked the Corps to look at littoral zones around these reservoirs rather than a steep wall.

John Koch (Sierra Club) said he could not see how this was going to help the system since the water was not clean. He questioned what would be done with the water if the reservoir was full. He suggested using the billions of dollars on land acquisition to build a flowway to ENP. Ken Ammon relied that they would be able to direct the water to the STAs and much of it will evaporate.

Craig Tepper asked whether the improvements to the canal would be wide and deep enough to bring the water down. Ken responded that they have done analysis to better understand the conveyance capacity. Craig said they have done a feasibility study to optimize flows in the existing canal systems. As part of the regulation schedule study they were looking at the amount of water needed. Dennis said that adequate capacity to move the water has been part of the design. He said he could not think of a canal that the Corps has built that was undersized.

Ken Ammon summarized the comments for the EAA PIR. Although they were not looking at storage amounts over 360,000 acre feet they may reformulate CERP based on results of the optimization study. While the comment period closed it may be reopened. Flood control benefits, even if incidental, would be protected. They have to make sure there are no impacts on Holey Land and should get back to FWS. Transportation needs for future right of ways need to be addressed. Operating protocols needed to be addressed. Boat ramps need to be considered for all reservoirs, but public access may be limited due to conditions. Need to go build more STAs and less storage. The forward pump was an issue as well as the adequacy of water supply and a Seminole entitlement analysis.

**C-43 PIR** – Joe Redican reviewed the project purpose, study area and scope. The scope for Part 1 will be divided into two phases, an interim and final PIR. All alternatives included a reservoir which justifies including a reservoir as a stand alone Acceler8 project. He reviewed the elements that Part 1, Phase 1 and Part 1, Phase 2 would address. The Tentatively Selected Plan would be selected based upon the alternative that best meets the needs of both the upper and lower basins. Rock Salt noted they had consultation on this project about a year ago and they spent a fair amount of time on the issues. There were no public comments made on this project.

**C-111 (C&SF) Implementation Plan** – Paul Linton and Jeff Couch provided a project overview noting it was an authorized project and related to CERP in that it must be completed in order for CERP to work. The bridge crossing, removal of spoil mounds and construction of S332D and S332B had been completed. The project has ten contracts and five have been awarded. In May 2006 they will award the contract for the command and control facilities to operate structures remotely. The final contract for the permanent pump stations will be advertised in 2009 and constructed by 2011. The construction schedule may be affected by the results of the CSOP. No public comments were made on this project.

#### **Executive Director's Report**

Greg May reported that the Task Force accepted the Natural Lands Report. He reviewed Task Force approved 2006 priorities (Encl. 6) which include a number of Congressionally mandated reports. He announced that GAO was starting their sixth report on restoration and would use the 2002 Strategy as their baseline. They were looking at four issues: the current status of the projects; the estimated cost; the factors used to establish the sequence; and what models were used and how they were updated and validated. He said the next Task Force meeting was scheduled for May 17-18 at the Anne Kolb Nature Center. The Task Force will be consulted on the Broward County WPA and EAA reservoir. Dan Kimball will report on the Working Group consultation and Loly Espino will report the CSOP Advisory Team's consensus recommendations on the Corps' Tentatively Selected Plan. He noted that four presentations (Land Acquisition and Land Values, Lake Okeechobee, Residual Pesticides and Restoration and System-Wide Challenges) requested for the May Task Force meeting would be previewed by the Working Group tomorrow.

#### **Science Coordination Group**

Rock Salt provided an update (Encl. 7) on the group's activities. The team's proposed system-wide indicators have been sent for independent scientific review and the report was expected in May. The goal is to include the indicators in the 2006 Strategic Plan. Additional indicators which would not be ready in 2006 (such as contaminants and built system indicators) would be worked on for inclusion in 2008. Work continues on Phase II of the Plan for Coordinating Science and he expected a draft report at the end of May. It will also be independently reviewed. The team is reviewing a list of possible new priorities which include Aquifer Storage and Recovery (ASR), models, tree islands, etc. The SCG has discussed having joint meetings with the Working Group to work on issues

such as ASR and Adaptive Management where there were both policy and technical issues.

John Arthur Marshall (Environmental Action Committee) provided a handout (Encl. 8) that made a number of recommendations on various topics such as the need to have a Northern Everglades Watershed Conceptual Ecological Model as well as the need to develop a strategic plan for the future of the EAA.

### **CSOP Advisory Team**

Theresa Woody reported team would meet the following week to seek consensus recommendations regarding the Tentatively Selected Plan. One goal would be to identify future projects that could help meet the team's performance expectations that remained unmet by CSOP.

### **Reporting Requirements**

Linda Friar provided a copy of Volume I of the Strategic Plan (2002 – 2004) and made a presentation (Encl. 9) reviewing the timeline for the 2006 reporting requirements. The first draft of the Strategic Plan would be provided in June 2006. Members were asked to provide the names of their organization's point of contact.

### **Land Acquisition Strategy**

Theresa Woody reported the team would be updating the Land Acquisition Strategy with data as of June 30, 2006. Information from this report would be included in the Strategic Plan. Members were asked to provide a timely review of the documents.

### **Public Comment**

None

### **Open Discussion**

None

Meeting adjourned at 4:40 PM

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**Welcome and Administrative Announcements**

The meeting called to order at 8:35 AM. Members of the GAO were welcomed. Wayne Daltry made a motion to approve the minutes which was seconded by Craig Tepper. The minutes were unanimously approved.

**Corps Update**

Dennis Duke provided a presentation (Encl. 10) reviewing the south Florida program. *Pre-CERP Projects* – The contract for the construction of Alt 6D of the Modified Water Deliveries (MWD) project had been awarded. Challenges include hidden and buried debris and hazardous toxic waste. The Final GRR has been completed for the Tamiami Trail and they were in the design stage. They were revising the design standards since the roadway will be moved south and will impact park lands and the airboat concessions. The President's Budget includes funds for both the Corps and DOI which includes the initiation of construction. The second contract for two additional miles of backfill for the Kissimmee River Restoration had been awarded and they were on schedule to complete the entire backfill by late 2010 early 2011.

*Critical Projects* – The Ten Mile Creek project has been completed and the dedication ceremony will be held April 26<sup>th</sup>. The Taylor and Nubbin Sloughs project has been completed and the dedication ceremony is scheduled for April 27<sup>th</sup>. They are working to get a revised contract in place for the Seminole - Big Cypress project.

*C&SF* - The interim pump stations have been constructed and permanent pump station in D for the C 111. The land swap has been completed and they completing plans and specs to initiate construction of the permanent pump stations which are scheduled for 2011.

*CERP* – The Lake Okeechobee PIR underway as well as the initial phase of the C-43 Basin Reservoir PIR. Lake Okeechobee Regulation Schedule ROD is expected in December 2006 and scheduled to be in place by January 2007. The Herbert Hoover Dike contract for rehabilitation was awarded and construction underway. ASR - the Lake Okeechobee pilot project contract will be awarded and the regional study is underway. A contingency plan is being developed to look at options such as optimization if ASR doesn't work as proposed. Information from the pilot projects will be incorporated in the contingency plan. Any needed changes will be folded into the CERP Comp Plan Modification Report.

Wayne Daltry asked for clarification on the role of the Quality Review Board (QRB). Dennis explained that with so many ongoing efforts the SFWMD and the Corps decided that they needed to engage senior level management for consistency among the many teams. It is chaired by the SFWMD and the Corps with other federal and state agencies

participating. Rock Salt clarified that the decision makers were Carol Wehle and Bob Carpenter. Gene Duncan said the QRB was making decisions about projects long before the Working Group gets briefed. Dennis said they were not making decisions but providing guidance to the teams on how to proceed. Greg reminded everyone that there were three formal opportunities for the members and the public to provide input on CERP projects: during the scoping phase, alternative formulation phase and final draft PIR phase.

Gene Duncan reported they were going to lose out on the opportunity to clean out the S-12s because of a permitting issue. He said that since they can only be cleaned out during the dry season this meant they won't be able to do it until this time next year. Ken Ammon said they have been working with ENP and there were two issues related to sediment; within the culverts and the downstream blockages. Bob Crim clarified the culverts themselves were clear. Gene said ENP would not allow the downstream dredging. Rock Salt said that ENP agreed the sooner they get it cleaned out the better. Gene asked why it was not being cleaned out if everyone was in agreement. Rock agreed with Gene that it needed to be done before the waters come up. Ken asked Rock to continue to coordinate with ENP and if the issue was not resolved then they should discuss options at a future meeting.

### **Acceler8 Update**

Ken Ammon provided a presentation (Encl. 11) reviewing each of the projects and components. Since the Governor announced this program in October 2004 the SFWMD has re-organized. Construction was already underway on STA 2, 5 and 6 and well as on the C-43 and C-44 Test Cells. He expected to award the contract for the perimeter canal system by June. He reviewed upcoming activities noting they will have a Draft BODR for the C-111 Spreader Canal by the end of May.

Paul Warner reviewed the integration and coordination that has been built into the CERP PIR, Acceler8 and regulatory process and noted there was ample opportunity for public input. The strategic objective was to get early restoration through a streamlined process and funding through the use of the Certificates of Participation (COPs) to move restoration several years forward. A team from SFWMD, DEP, Corps, FWS and others put together the chart (Encl. 12) to illustrate the NEPA process and documentation necessary to fulfill the ROD for the PIRs and 404 permits. He reviewed the opportunities for agency and public review throughout the process. Bob Crim said that if the design gets ahead of the NEPA process then they run the risk of prejudging. Paul said there was always some risk but they were working closely together. Ken Ammon added that many of the footprints were close and would not change a whole lot. Dennis Duke agreed it was consistent with how the Corps puts together its planning documents. Wayne Daltry asked where the QRB was in this. Paul explained that the QRB was everywhere throughout the process.

Ray Scott asked whether there was a single 1502 and 404 for the overall CERP. Paul said there was an individual one for each project and there was no general 404 or 1502 for all of CERP. Rock said the 404 permit issue comes up when the District goes out on its own. Paul clarified they always need to get a permit from DEP. Gene Duncan said

that a NPDES permit would be required for any activity which disturbs one or more acres. Ken Ammon said that issue had not been flushed out and they were still meeting with EPA.

### **Task Force Presentations**

*Land Acquisition and Land Values in Florida* – Ruth Clements provided a presentation (Encl. 13) reviewing how they decide what lands to acquire, development pressures and escalating land values. They have an aggressive acquisition program and are currently ahead of schedule for CERP. At the current rate they would be finished in 8 1/2 years assuming funding was available. She said they hoped WRDA would be passed this year. She reported the completion of the acquisitions for the Kissimmee restoration and noted that less than 1% of these acquisitions were through condemnation. She reviewed the funding sources which include: Save Our Everglades, Florida Forever, wetland grants and local partnerships (Martin County and Florida Communities Trust for example). She talked about the Lakebelt mitigation funds and the use of creative multi-year payouts. She noted the Culpepper Ranch was spread out over three years with no interest and they took the title up front so work could begin. She said the focus in 2006 would be in Dade County and in the Lake Okeechobee watershed.

Ray Scott asked about the impact of increased mitigation fees. Ruth stated because the Pennsuco land values had gone up the rock miners were cooperating with as increase on the nickel a ton. The Pennsuco is necessary to move forward with CERP and although it has lagged behind, they should be able to get that completed soon. Wayne Daltry said it would be great to see how they were progressing with land acquisition for non-CERP projects and asked for a presentation on other land acquisition efforts. Rock reported the park expansion was all but done. Ken noted the District started the CERP acquisition effort six years ago at their risk. Rock Salt said this was a praiseworthy effort and gave kudos to Ruth and the SFWMD.

*Lake Okeechobee* – Susan Gray provided a Power Point (Encl. 14) reviewing the program which was expanded last fall to look at the linkages between the lake conditions and the downstream receiving water bodies and primarily the estuaries. In October 2005 the Governor announced the Lake Okeechobee Estuary Recovery (LOER) program which is designed to move faster on projects that will provide improvements to the lake and the estuaries. This includes a number of components such as capital projects and fast tracked projects that are managed under Acceler8. The Governing Board has asked them to look at deep well injections and implementation of ASR. She provided a status update on the fast track projects noting that targets were being met or exceeded on the Lake. She said that several alternatives were being developed to meet the ambitious goal of having a revised regulation schedule by the end of the calendar year. She reviewed issues related to water quantity, water quality, flooding in the EAA and opportunities for local government participation.

Richard Harvey asked how Lake Okeechobee compared this year to last year. Susan replied that the water level was down about 1.2 feet but the phosphorus concentration and turbidity were similar noting that it would not be unusual to see algal blooms in the lake.

Wayne Daltry said it was important to have storage throughout the system adding that subsidence and keeping the land dry was the challenge now. If they don't have the water supply demand that CERP was based on then CERP would be worse than the do nothing alternative for the environment. He asked about the procedures to adjust the plan. Ken agreed that looking at additional storage opportunities in system was important but in the EAA the only way to avoid serious economic harm was to have the storage above ground. Ray Scott said that he believed that comments such as the EAA vanishing before their eyes were not correct since soil subsidence was not occurring at the rate it once was. The BMPs have served to stabilize the soils and he believed this issue was overstated. Wayne said he did not mean to give that impression but soil surveys show some areas in the EAA, such as the Animal Farm, were in more danger than others. Ray responded that FDACS had revised the Lake Okeechobee BMP rules and it now applied to the entire Lake Okeechobee watershed. Implementation of the nutrient management plan was immediate for this voluntary program with incentives. Richard Harvey stated they have had three decades of voluntary BMPs and it hadn't worked. He suggested using a model that worked versus the one that did not.

Ray Scott asked about innovative land use planning as well as waste to energy technology which DEP permits. He had heard about a letter sent by the heads of DEP, DCA and SFWMD to Osceola County. Ken Ammon said that it was a strong basic message - the watershed could not afford any additional volume or discharge of water.

*Impacts on Restoration from Pesticides and Residual Pesticides* - Bob Kukleski provided a presentation (Encl. 15) reviewing the process for the identification of residual agro chemicals resulting from current and historical agricultural activities and the corrective actions and risks assessments. He reviewed the evolution of the Environmental Assessment process noting the current version was greatly enhanced and a more complex process. The program provides management with another tool to assess potential real estate acquisitions. Specifically it helps them determine if the property could be purchased in an as is condition or to identify the costs of corrective actions. It also limits the environmental liability associated with their acquisitions. They evaluate properties prospectively as opposed to its current land use. He noted the Environmental Assessment process prior to the 1980s was inconsistent. In the 1990s they focused on identifying areas of concern using basic visual observations of site conditions. After the 1998 Lake Apopka bird kill they modified their process and USFWS involvement was increased. From 2000 on a 50 acre grid sampling method was used to review large expansive agricultural properties and get complete or near complete coverage. The goal is to develop a site specific clean up plan or to determine the feasibility of a property for a particular project if clean up is not feasible. He noted the widespread use of agro chemicals over the last 30 - 40 years and said their biggest challenge was from properties used for row cropping and where DDT and chlordane had been used. Inundated properties have the potential to release agro chemicals and they need to implement the risk strategies necessary to eliminate pathways to fish and wildlife communities. He stressed that there was always some degree of ecological risk and Lake Apopka should serve as a lesson and not as an impediment.

Craig Tepper asked whether the risk assessment process was acceptable in the private sector for the bonding issues. Ken replied that since the land will be used as collateral for the COPs and they were very interested in the condition of the land. Bob Crim asked whether remedial costs were factored into the purchase price. Ken Ammon said they understood they needed to have money put aside to clean up the land. Bob added that in the past the District would acquire the property “clean” and the owner would implement corrective actions. It became apparent over time that this was an unreasonable expectation and the District began buying property “dirty” and implementing cleanup actions. Jess Weaver complimented the District noting the sampling and monitoring protocol seemed to address these concerns up front. Ken Ammon said their history provided insights into where to expect environmental cleanups and where money would need to be expended on top of the appraised values. There was no public comment.

*System-wide Restoration Challenges* - Dennis Duke reviewed a draft presentation (Encl. 16) on system wide challenges that would be provided to the Task Force at the May meeting. He reviewed the historical system, changes to the system and current conditions. He then reviewed each basin and asked for member input on the challenges within each of the basins. Ken Ammon suggested having a basin by basin presentation at a future meeting.

### **Open Discussion**

None

Meeting adjourned at 1:25 PM.

### Enclosures:

1. Agenda
2. January 2006 meeting minutes
3. Project Implementation Reports (PIRs) Power Point
4. Audubon letter
5. BRRCT letter
6. 2006 Task Force Priorities
7. SCG Presentation
8. John Arthur Marshall recommendations
9. Strategic Plan Power Point
10. Corps Update
11. Acceler8 Update
12. Paul Warner’s Chart
13. Land Acquisition and Land Values
14. Lake Okeechobee presentation
15. Pesticides presentation
16. Restoration Challenges