

Approved Minutes
South Florida Ecosystem Restoration Task Force Meeting
Washington, DC
December 15, 1997

WELCOME and INTRODUCTIONS

Secretary Patricia Beneke opened meeting at 1:24 PM. She introduced John Garamendi, Deputy Secretary of the Interior and John Berry (Assistant Secretary of the Interior for Policy, Management and Budget). Mr Berry reflected on the importance of so many organizations coming together and the current administration's high priority of the Florida Everglades.

The Following Task Force Members Were In Attendance:

Patricia Beneke, U.S. Department of the Interior - Task Force Chair

Ernie Barnett for Virginia Wetherell, Florida Department of Environmental Protection

John Horsley, U.S. Department of Transportation

Peter Coppelman for Lois Schiffer, U.S. Department of Justice

Michael Davis, U.S. Department of the Army

Dexter Lehtinen, Miccosukee Tribe of Indians

Dana Minerva for Robert Perciasepe, U.S. Environmental Protection Agency

Patty Power for Jim Shore, Seminole Tribe of Florida

Richard Van Klaveren for Tom Hebert, U.S. Department of Agriculture

Estus Whitfield for Lt. Governor of Florida Buddy MacKay

Frank "Sonny" Williamson, South Florida Water Management District

Sally J. Yozell, U.S. Department of Commerce

Terrence "Rock" Salt, Office of the Executive Director

The Following Were Also In Attendance:

Charles Aller, Florida Department of Agriculture and Consumer Services (via conference phone)

Sue Alspach for John Renfrow, Dade County - DERM (via conference phone)

Carrie Beeler, Office of the Executive Director

Kevin Burger, Office of the Executive Director

Billy Causey, U.S. Department of Commerce - NOAA

Brenda Chalifour, U.S. Army Corps of Engineers - Jacksonville District

Kathy Copeland, SFWMD

Shannon Cunniff, U.S. Department of the Interior

Cheryl Duckworth, Office of the Executive Director

Gene Duncan, Miccosukee Tribe of Indians

Ben Edmonds, Office of the Executive Director

Sally Ericsson, Center for Environmental Quality

Sarah Gerould, U.S. Geological Survey

Roger Griffis, U.S. Department of Commerce

Justin Johnson, U.S. Department of the Interior - Office of Policy, Management and Budget

Joan Lawrence, SFWMD

Bill Leary, U.S. Department of the Interior

Neal McAliley, U.S. Department of Justice

Richard McNeer, U.S. Department of the Interior - Office of the Solicitor

Rodney Metzger, U.S. Department of the Army - Army Corps of Engineers

Joe Miller, U.S. Army Corps of Engineers - Jacksonville District

Mary Munson, Everglades Coalition

Burkett Neely, U.S. Department of the Interior - Fish and Wildlife Service

Mary Plumb, Office of the Executive Director

Sam Poole, SFWMD

Dick Ring, U.S. Department of the Interior - Everglades National Park

Kathy Rutledge, U.S. Department of the Interior

Keith Saxe, U.S. Department of Justice

Ron Smola, U.S. Department of Agriculture - NRCS

Sandy Soto, Office of the Executive Director

Bill Walker, U.S. Department of the Interior - National Park Service

WORKING GROUP CHARTER (Rock Salt presented a revised charter for approval by the Task Force)

Patricia Beneke noted that the Working Group Charter had been re-drafted since the previous Task Force meeting. Most of the issues that were raised at the August meeting have been resolved. The first issue was on the duties of the Working Group which have now been rewritten and tied to the statutory duties of the Task Force. The second issue was to establish a voting protocol. The new charter proscribes that actions be adopted by consensus whenever possible and when full consensus is not achieved, a two-thirds majority vote will be used for "final" actions and a simple majority for "non final" actions (specific language on bottom of page 6) of the Charter. The third issue deals with the relationship of the Working Group to Task Force. WRDA 96 directs the Task Force to establish a Working Group. The Working Group is to develop recommendations and present them to the Task Force as well as facilitate interagency coordination. There may be occasions that Working Group work products will stand alone and may not necessarily be adopted by the Task Force.

Comments:

Estus Whitfield noted that duties 3b(3) and 3b(4) regarding water quality and exotic species seem to be new duties that were not discussed at the August meeting. Rock Salt noted that the duties were taken from the Task Forces priorities document of June 1995 which was attached to the Interagency Agreement approved by the previous Task Force. Ernie Barnett noted that the strategy to control and eradicate exotic species is further along than the water quality strategy. There are many responsibilities and authorities vested in the SFWMD, Corps of Engineers and other agencies. The exotic species strategy attempts to align the resources to maximize benefits to the Ecosystem. With regard to water quality, Mr. Barnett suggested moving section 3b(3)"develop for Task Force approval a water quality management strategy" to page 2 section 3f to read "assist the Task Force in providing assistance to State of Florida, DEP, SFWMD and both tribes in the efforts to develop a comprehensive water quality approach."

Sonny Williamson added that the comprehensive plan requires the Secretary of the Army to address water quality. The Task Force is then required to provide recommendations to the Secretary of the Army. Rock Salt added that the Charter reflects the initial set of directions from the Task Force.

Before acting on the proposal Working Group Charter, the Task Force

adopted for its own protocol the voting procedures as described in section 6e of the charter. Those voting procedures were adopted by the Task Force with one opposing vote.

Patty Power noted that although consensus is sometimes slow, it is effective in bringing people together. She recommended incorporating by reference the Guidelines for the Conduct of Working Group Meetings. Sonny Williamson added that two-thirds could be used for final actions where a vote is really needed. Rock Salt noted that this is not intended to limit the Guidelines document. Patty Power added that the Guidelines document has more of an emphasis on consensus building. Patty Power requested that a strong reference be made in the minutes. Ron Smola explained that the Guidelines document was developed through a long and careful process involving facilitated sessions and has worked very well for the Working Group. Patricia Beneke noted that the minutes should reflect the intent of the group with respect to the guidelines document.

In response to the earlier discussion, the Task Force voted to amend the proposed Working Group Charter as follows:

delete sub section 3b(3) (page 1) and add to section 3f the following text . . . the Working Group shall:

Support the agencies and governments represented on the Working Group in their responsibilities to promote water quality improvements in the South Florida ecosystem

Patricia Beneke noted that the proposal to leave the exotics species management language in section 3b(4) as written since the work is currently underway. Rock Salt added that this has been identified as a concern by many of the Project Coordination Teams and the Working Group is setting up a protocol for exotic species.

Estus Whitfield asked about the impact of a Task Force vote on the individual agencies since there are substantive issues and programs that are ongoing. Rock Salt noted that section 6n states that any actions, recommendations, votes or discussions shall not limit the discretion or override the decisions of any government or agency.

Ron Smola added that the Working Group effort on exotic species is much larger than just a few agencies. It will include nursery growers and other interested parties. Rock Salt suggested that the Working Group brief the Task Force at the January meeting with their proposal before they move out.

Dick Ring commented that nothing in this proposed Charter implies something that is compulsory, but rather provides a sense of what the Working Group endorses. Dexter Lehtinen noted his concerns that an agencies regulatory permitting authority not be affected by this. Patricia

Beneke noted that the minutes should reflect that the intent of the Task Force in asking the Working Group to develop a strategy to control and eradicate exotic species is to reach the goal of coordinating resources more effectively.

On the membership issue, Dexter Lehtinen made a motion pursuant to Thomas E. Scott's (United States Attorney) request that both divisions within the Department of Justice (Environment and Natural Resources Division and the United States Attorney's Office for the Southern District of Florida) be listed as member agencies in the Working Group Charter. Peter Coppelman reported that this matter has not been resolved within DOJ and asked that this be deferred until the January Task Force meeting.

Patty Power noted the Seminole Tribe's concerns on the Working Group duties in section 3f(4) which seem to support the multi-species recovery plan that is not known at this time and will have an effect on the Seminole Tribe.

Estus Whitfield asked for clarification on section 3f(5) that directs the Working Group to *report its efforts to assist and support to the Task Force*

Rock Salt stated that the Working Group would provide information to the Task Force on those areas that the Task Force has expressed an interest and regular summaries would be provided on these activities. Patricia Beneke felt that this language gives the Working Group more input and say in interfacing with the Fish and Wildlife Service while playing a supporting role.

Rock Salt added that Volume I of the Multi-species plan is currently at the printers and may be available at the January Task Force meeting. Burkett Neely said the Multi-Species Plan was an effort to look at the overall picture in South Florida and has been a greater task than anyone anticipated. Volume I which is approximately 1,400 pages will be out for review and it is hoped that it will answer many questions.

Patty Power noted for the record that the Seminole Tribe participated in the process of developing the initial Charter which was later withdrawn and redrafted and is now presented before the Task Force for approval. She expressed her concerns about the process. Patty Beneke stated that the process would be improved in the future and added that she spoke with many members of the Task Force and the Charter that has been presented reflects those inputs. Rock Salt noted that the comments from Mayor Penelas (Enclosure 2) are reflected section 5d of the proposed charter.

The public was given a chance to comment however no one came forward to speak at this time. The Task Force approved the Working Group Charter without dissent. The Department of Justice representative agreed to report to the Task Force in January with regard to their membership issue.

The Task Force adopted without objection the quorum provision from section 6h for the Task Force. This provision requires a majority of Task Force members or alternates to establish a quorum for the Task Force.

UPDATES

C&SF Restudy

COL Miller provided an update of the C&SF Restudy which is to be completed by July 1, 1999. The final iteration is scheduled to be completed in April and the draft Feasibility Report and EIS will go out for public comment in October 1998. The Restudy will define the major project features for the ecosystem restoration, water supply and other resource objectives and defines the process for implementing the plan, but it does not define all of the details. The feasibility study is the first step, with the detailed design and construction documents taking another 20 years to complete. The objective of the restudy is to enhance the ecologic and economic values. The Corps is currently on schedule and will meet the July 1, 1999 deadline for the report. Comments are being received worldwide through the internet site as well as orally and in writing. Many outreach efforts are underway to reach the local communities, county commissions and the minority and hispanic communities.

Patty Beneke stated that this matter needs to be a major item on the January agenda in order for the Task Force to fulfill its responsibility to provide comments to the Secretary of the Army. Rock Salt added that the Corps' protocols require a letter of support from the local sponsor since the proposal will include a 50/50 cost share. Mike Davis reminded everyone that the restudy is made up of many pieces. COL Miller agreed that it is made up of projects that need to be agreed upon over the next 20 years. Rock added that the purpose of the feasibility report is to seek authorization from Congress. Dexter Lehtinen stated that in reading the legislation, he did not see the need for an agreement from the SFWMD. COL Miller clarified that the plan shall be developed by the Secretary of the Army in cooperation with the local sponsor.

Ernie Barnett added that something uniquely different is being done in the Restudy - the membership on the restudy team - of people outside the Corps and SFWMD. There is a member from EPA and DEP who are co-located with the Jacksonville District working day to day developing water quality performance measures. Once you reach the end of the process there will be a higher level of certainty that the water quality issues have been dealt with since the beginning.

JANUARY MEETING

The next meeting is scheduled for January 28 - 29, 1998 at the Westin - Key Largo, FL. The Task Force members agreed to the following agenda items:

Corps Restudy

Working Group recommendations

Focused Discussion on Alternatives

Substantive Issues

Update on Critical Projects

Multi-Species Plan Update

Working Group Report Update on Exotic Species

Billy Causey suggested talking about the scope of the Restudy as going through the Florida Keys to the reef tract. Mike Davis asked about getting read ahead materials on these issues to get a better understanding of what is going on. Sally Yozell stated that the FKNMS will be hosting a field trip out to the reef and allow an opportunity to get an update from EPA, NOAA and others who are putting together the water quality monitoring piece. Sonny Williamson suggested that the Working Group needs to prioritize those tasks as outlined by the Working Group Charter. Rock Salt stated that many items are required by statute or are very important. He added that the Task Force needs to be brought up to speed on those items the Working Group have already done. Patty Beneke suggested having a Working Group presentation highlighting their work plan for the next year.

PUBLIC COMMENT

Mary Munson (Everglades Coalition) - expressed her confidence and support for the progress made here. She extended an invitation to the Annual Coalition Meeting scheduled for January 15 -18, 1998. She hoped that the Everglades Coalition's vision will be reflected in the restudy which will discussed at the Coalition meeting.

Ron Tipton (World Wildlife Fund) - noted that one of the responsibilities outlined in the Working Group Charter is to identify problems or differing agency positions that have an impact on the implementation shared goals and programs. He felt that some of those issues are emerging and didn't feel the responsibility of the Task Force is limited to a periodic review of those issues, but an ongoing responsibility. This Task Force when originally created was seen as a problem solving body and was established

with an environmental agenda. These are inevitable issues of conflict that this body needs to be dealing with. He expressed his support of the Corps and encouraged the Task Force to play an active role.

Sally Ericsson (CEQ) - presented "The Everglades on its on its way back: A Restoration Progress Report (Enclosure 2).

Meeting adjourned at 3:30 p.m.

Enclosures:

1. Briefing Binder
 - A. Agenda
 - B. WRDA extract
 - C. Task Force Charter
 - D. Task Force Roster
 - E. Draft Working Group Charter
 - F. Working Group Roster
 - G. 1993 Federal Interagency Agreement w/1995 Priorities
 - H. News Clippings
 - I. Mayor Penelas letter
2. The Everglades on its on its way back: A Restoration Progress Report

NOTE--This meeting was recorded on video and audio tape which are on file at Florida International University library.