

*Approved Meeting Minutes
South Florida Ecosystem Restoration Task Force
Marriott Metro Center - Washington, DC
May 12, 2000*

Welcome and Introductions

Ms. Mary Doyle welcomed everyone at 9:10 am. She reported that Senator Bob Smith will be speaking to the Task Force at noon and a signing ceremony for the CERP design agreements totaling over \$700 million will be signed later this morning by the Corps and the SFWMD. She recognized Peter Umhofer for his hard work in putting this meeting together.

The Following Task Force Members Were Present:

Mary Doyle, Task Force Chair – U.S. Department of the Interior
Ernie Barnett for David Struhs, Department of Environmental Protection
Roger Griffis for Sally Yozell, U.S. Department of Commerce
Michael Collins, South Florida Water Management District
Michael Davis, U.S. Department of the Army
J. Allison DeFoor, Office of the Governor
Dana Minerva for Jonathan Charles Fox, U.S. Environmental Protection Agency
Terry Rice and Joette Lorion for Dexter Lehtinen, Miccosukee Tribe of Indians
Lois Schiffer, U.S. Department of Justice
Richard VanKlaveren for Glenda Humiston, U.S. Department of Agriculture
Steve Walker and Patty Power for Jim Shore, Seminole Tribe of Florida

The Following Task Force Members Were Not Present:

Clarence Anthony, Mayor - City of South Bay
Jonathan Charles Fox, U.S. Environmental Protection Agency
Glenda Humiston, U.S. Department of Agriculture
Dexter Lehtinen, Miccosukee Tribe of Indians
Jim Shore, Seminole Tribe of Florida
David Struhs, Department of Environmental Protection
Sally Yozell, U.S. Department of Commerce

Dispute Resolution Planning

Ms. Doyle stated Congress has asked what the Task Force is doing to facilitate the resolution of disputes those that have already risen and those that will arise in the future. The subject of dispute resolution has arisen at every congressional hearing and although they are inevitable and continuous, it needs to be made a high priority by the Task Force. It is now unclear what the Task Force should be focusing on over the next few years now that the CERP has been submitted. The purpose of this meeting is two-fold, to discuss how the Task Force can be effective at handling disputes and what the Task Force wants to be doing. Ms. Doyle introduced the facilitators Ms. Kirk Emerson, Director of the US Institute of Environmental Conflict Resolution, Mr. Bob Jones, Director of the Florida Conflict Resolution Consortium and Mike Ing, Senior Program Manager at the US Institute of Environmental Conflict Resolution.

Ms. Emerson explained the process that will be used to facilitate the Task Force's discussion. The outcome is not to make major decisions but to move forward to next steps and to determine what additional information is needed to help with future discussion. She encouraged the Task Force to read the material provided in the read-ahead which provides a lot of insight into dispute resolution especially with environmental disputes. The GAO report from last spring contained a suggestion that the role of resolving disputes needed to be handled by Task Force should serve as final arbitrator in settling disputes. None of the Task Force members agreed with that concept. Mr. Rock Salt added that the Working Group has conducted a broad lessons learned

review and has asked for clarification of expectations of them as the Task Force determines the nature and type of issues it should address.

Ms. Emerson stated that Task Force members of their designees were interviewed to analyze the process and four key questions were asked:

1. *What are the most important conflicts (past, present and future) that that the TF will be facing in the next 5/10 years?*
2. *What role should the TF play in mitigating any of these conflicts?*
3. *What important principles or guideline should the TF use to resolve them?*
4. *What incentives, strategies, resources might the TF draw on to carry out those goals?*

Task Force (past, present and future)

Ms. Emerson reviewed some of the results as follows. Although this is a work in progress, several observations have been made. Everyone is committed to improving the working of the Task Force, there is a sense of a transition from planning towards implementation and there are concerns on the changes in structure, and over changes occurring in government. Most recognized a need for stronger leadership and guidance from the Task Force, but there is some ambivalence towards any increased authority being given to the Task Force. This points out an issue of trust between the state, tribal, and federal government. There is a general need, as new roles are adopted for the Task Force and Working Group to clarify their relationship and direction and how authority and information is transferred between the two.

Mr. Peter Coppelman added that when issues are dealt with, the chance of litigation is lessened. Mr. Terry Rice felt that the focus should be on dispute prevention, where everyone with an interest is brought to the table and made a part of the process. A sincere consideration of everyone's interest needs to be shown. A mutual trust must be developed. If the time is taken to do those things we will end up with successes.

Mr. Mike Collins stated that every opinion counts, and should be looked at with equal value. People must be willing to commit the time and objectivity to make this work. Mr. Ernie Barnett suggested Lake Okeechobee be added as another success. It is a big policy issue and the work of the Task Force and Working Group has been monumental in creating state laws concerning the Lake.

Mr. Billy Causey said the lack of inclusion of all the members on critical issues becomes a bigger issue. This has been an issue of growth and the inability to get issues vetted through a process to make everyone feel included.

Mr. Coppelman questioned how to include, for example, environmentalists. How can they participate in ways other than suing. Encouraged the idea of developing to a process to include them.

Mr. Rice talked about why some issues have failed (We have not been team players all of the time and there has been a reluctance to get input to create solutions that work for everyone).

Task Force Roles

Ms. Emerson reviewed the definition of several roles which includes coordinating activities, framing issues, facilitating dialogue, highlighting obstacles, building consensus, interpreting and anticipating implications down the line, elevating issues, and the active role of managing and resolving disputes above and beyond being the final arbitrator. Issues that are discussed by the Task Force are either originated at the Working Group level and elevated up for guidance or the Task Force requests that the

Working Group specifically looks into an issue. Mr. Rice stated that issues should be resolved at the lowest level possible. The Working Group decides that these issues need to be taken on, and they frame it and come to a conclusion. When issues cannot be resolved without policy level decisions (for example, HAFB) it is referred to the Task Force. Mr. Salt explained that with the Lake Okeechobee issue, the LT. Governor asked the Working Group to look into it. With the HAFB, George Frampton asked the Working Group if there were conditions that could be placed on the transfer that would clear some of the issues. The Lakebelt issue was brought to the Working Group by the Corps. Mr. Davis asked if someone from the Working Group wanted something on the agenda whether they were able to get it on. Mr. Rice answered that the WG usually does not take on any issue unless it is a consensus of the Working Group and Task Force and there is a reluctance on the part of some to take these issues to the WG. If we are reluctant at the WG from taking on an issue, the TF should take it on. Mr. Rice explained that a procedure was developed where anyone with an issue filled out a paper on what the problem was and what needed to be done and then it was put to a vote. Mr. Coppelman thought it would be interesting to look back over the years and see what the action items have been and noted the action items the Task Force took action on would be a fairly unimpressive list of not so important things.

Mr. Rice clarified that the Task Force only gets involved when the Working Group can't resolve issues. Mr. Davis said with some planning the Task Force could take on those issues the Working Group is unable to resolve and this group should go from passive to a little more aggressive. Ms. Lois Schiffer suggested the Working Group provide the Task Force with regular status reports.

Mr. Davis stated this group needs to engage quickly on the CERP and in helping the Congress clarify, refine and narrow the issues. Mr. Walker agreed we have before us the opportunity for both pieces of legislation to work together. All of the Task Force members were in favor of meeting again in a few weeks to discuss WRDA.

Principles/Guideline

Ms. Doyle posed the question of the possibility of having a rotating Chair in addition to having a co-chair. The Task Force should also discuss agenda setting, frequency of meetings as well as how information is best presented to the Task Force. Mr. Coppelman also asked for social and informal times to be scheduled for the Task Force as well.

Signing Ceremony

Mr. Davis and Mr. Collins signed the Design Agreement totaling \$712 million between the Corps and the SFWMD (local sponsor). This represents the largest Design Agreement ever signed in the history of the Corps. Mr. Davis thanked the Restudy team for their hard work and congratulated them for receiving the Palladium Award. COL Joe Miller introduced the next District Engineer for the Jacksonville District COL Gregg May.

Guest Speaker

Senator Bob Smith (Environment and Public Works Committee) thanked everyone on the Task Force for all of the work they have done. He reminded them they are the driving force behind the restoration plan. He reported that the hearing the day before went well, although the turn out from the members and staff was a bit disappointing. Senator Chafee was a good friend whom he admired and his shoes would be difficult to fill. As a nation the focus needs to be on correcting not creating the problems with the environment. A lot of money has been wasted in litigation instead of in advocating. There is a need to harness corporate resources and not turn them away. States have good environmental programs and the federal government needs to develop new programs using adaptive management. He encouraged cooperation and not confrontation and allowing sensible science not politics to dictate actions. He reiterated his commitment to getting an Everglades Restoration bill out of this Congress and urged Task Force members to get their comments and suggestions in.

Public Comment

Ms. Cynthia Laramore (Glades Area Environmental Justice Initiative) stated although she is in favor of Everglades Restoration, Lake Okeechobee is the only source of drinking water, and she does not want to see this source jeopardized.

Senator Smith agreed there needs to be balance and we all need to respect the entire ecosystem. There is an opportunity to make this a win-win situation.

SCIENCE UPDATE

CROGEE Workplan Review

Mr. Steve Parker from the National Academy of Science reviewed the proposed CROGEE Workplan items for Task Force approval. The workplan was developed in conjunction with the SCT and Working Group. Mr. Collins encouraged the NAS review the sound underpinnings for studying some of the problems that will lead to a recommendation. CROGEE should ensure the right questions are being asked and the correct technical tools are being used. Mr. Rice suggested prioritizing the workplan and noted that items 3 and 4 were not on the proposed workplan items developed by the Working Group. Many Task Force members were not comfortable with policy conclusions being peer reviewed. The Task Force was comfortable with items 1 and 2 and referred items 3, 4, and 5 back to the Working Group for discussion and revisions at their May meeting.

Mr. Coppelman made a motion to proceed with the first two items. Mr. Collins amended the motion to define the process by the WG, NAS and TF. The two-part motion passed with no objection.

PUBLIC COMMENT

CPT Ed Davidson (Florida Audubon) reminded everyone the Restudy is only one component and the SFWMD and State elements are just as important.

Ms. Michelle Williams (Lake Worth Drainage District) expressed her concern with the administration's WRDA and the inclusion of the 245,000-acre feet of water. The additional water would come through the Lake Worth Drainage District. She urged the Task Force not to underestimate the power to get this language to represent true consensus.

Ms. Cynthia Laramore (Glades Area Environmental Justice Initiative) stated the environmental hazards to low income/minority communities and the environmental justice issues need to be reflected.

COL Miller offered to meet with Ms Laramore and other interested individuals.

Mr. Wayne Daltry (SW Florida RPC/WG member) commented on the need to reach closure on the intent of Everglades Restoration and then spend money in achieving the goal. He also encouraged reaching out to the local governments.

Ms. April Gromnicki (Audubon of Florida) described the agreement being formalized as unprecedented looking to the Task Force to provide leadership as implementation is underway. Audubon of Florida looks forward to working with everyone in Everglades restoration.

Ms. Joette Lorion (Miccosukee Tribe) said there is no trust among everyone and referred to the inclusion of the 8.5 square mile area on the March 28, 2000 letter sent to Ralph Regula. This was not included in the prioritized Working Group list which was sent to

DOI, yet it is on the letter DOI sent to Regula. This Task Force needs to reach a consensus on whether minority language is critical especially in protecting communities from adverse impacts. Language is needed in the bill to protect minorities.

Mr. Don Jodrey responded that Regula's request was to submit all known land acquisition needs. The prior year the Working Group provided a list but it was found not to be comprehensive. He explained that the 8.5 square mile area appearing on this list was not meant to imply any decision has been made. Mr. Rice felt that this goes to the heart of dispute resolution where things are included without feedback from the Working Group.

Seminole Tribe Presentation

Mr. Steve Walker noted there are critical sovereignty issues and recognize that the tribe made a decision to participate in this process. The Task Force and Working Group provide the forum to reach a better understanding of issues, but that water rights will always be important to the Seminole Tribe.

Draft Strategic Plan

Mr. Ernie Barnett stated the Task Force was directed to provide a Strategic Plan with linkages to annual goals by July 2000. The Strategic Plan is not intended to be a policy change but a compendium of all ongoing projects (ie, CERP, ECP, SOR, CARL) and flexible for use by both federal and state purposes. Ms. Linda Dahl summarized the draft Plan for the Task Force. It will enable better coordination of the restoration plans and actions and will track the effectiveness of actions. It will be presented to Congress, state of Florida and the tribes. The Strategic Plan will outline how restoration will occur, identify resources needed, identify responsible entities, link strategic goals to outcomes, and serve as the basis for corrective actions. The goals sub goals were reviewed. Ms. Doyle suggested time be taken to discuss Goal 3. Mr. Salt agreed and follow-up is needed with Mr. DeFoor, Mr. Rick Smith and Secretary Seibert and Secretary Struhs. The Goal 3 discussion in the plan is intended as a place-holder until the State process gets underway.

Florida Legislative Update

Mr. DeFoor provided a summary of the Everglades Restoration Investment Act signed by the Governor. He noted the Act was unprecedented and historic.

Ms. Doyle cited the leadership of Governor Bush in the success of this key legislation.

Land Acquisition Plan, TF Guidance

Rock Salt announced GAO has completed its second report on land acquisition. He suggested the Chair of the Task Force direct the Working Group to develop a proposed plan. The Task Force agreed without objection.

Dispute Resolution, Next Steps

Ms. Emerson presented a [summary of the dispute resolution portion](#) of the agenda and suggested the Task Force review the "next steps" as presented. The Task Force approved the next steps without objection and asked the Executive Director to bring the proposed gameplan to the July Task Force meeting.

Meeting adjourned at 4:40 PM.

Enclosures:

1. Briefing Booklet

- a. [Agenda](#)
 - b. Draft September 1999 Meeting Minutes
 - c. NAS Letter (4/7/00)
 - d. Draft Strategic Plan Summary
 - e. Draft Strategic Plan
 - f. [Lessons Learned Report](#)
 - g. [Historical Highlights](#)
 - h. Lessons About Relationships
 - i. [Annual Report Letter](#) and [Report](#)
 - j. [Lake Okeechobee Letter](#)
 - k. [Seminole Tribe Letter \(re: Lake Okeechobee\)](#)
 - l. [Miccosukee Tribe Letter \(re: Lake Okeechobee\)](#)
 - m. [Working Group Progress Report \(March 13, 2000\)](#)
 - n. Mary Doyle Letter
 - o. [Peter S. Adler paper](#)
 - p. Proposed WRDA 2000 (Bill language)
 - q. Proposed WRDA 2000 (Report language)
 - r. DOI status report on disputes
 - s. DOI status report on Strategic Plan
 - t. DOI status report on Cost Estimate
 - u. WRDA96
 - v. Task Force Charter
 - w. Task Force Roster
 - x. Working Group Charter
 - y. Working Group Roster
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2. Dexter Lehtinen Testimony before Committee on Environment and Public Works (5/11/00)
 3. Lake Worth Drainage District Briefing Package
 4. Summary of Interview Responses
 5. DOI letter re: land acquisition (3/28/00)
 6. State of Florida News Release (5/11/00)
 7. Gov. Jeb Bush Testimony (5/11/00)
 8. Summary of the Everglades Restoration Investment Act