

Approved Meeting Minutes
South Florida Ecosystem Restoration Task Force
January 16, 2002
Plantation, Florida

Welcome and Introductions

Ms. Ann R. Klee, Task Force Chair called the meeting to order at 9:40AM. The attendees included:

Gale Norton, Secretary, U.S. Department of Interior
Mike Collins, Vice Chair, South Florida Water Management District
J. Allison DeFoor, State of Florida
Andrew Emrich, U.S. Department of Justice
Mack Gray, Acting Deputy Undersecretary, U.S. Department of Agriculture
James Hanlon, Assistant Administrator for Water, U.S. Environmental Protection Agency
Ann Klee, Chair, U.S. Department of the Interior
Jim Murley for Clarence Anthony, Mayor, City of South Bay
Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians
Mike Parker, Assistant Secretary of the Army (Civil Works)
Sloan Rappoport, U.S. Department of Commerce
David Struhs, Secretary, Department of Environmental Protection
Steve Walker for Jim Shore, Seminole Tribe of Florida
Rock Salt, Executive Director, South Florida Ecosystem Restoration Task Force

Ms. Klee introduced Secretary of the Interior Gale Norton to kick-off the meeting. Secretary Norton welcomed everyone and noted the importance of the Task Force in coordinating the restoration efforts and the difficulties considering the enormous number of stakeholders, federal agencies, two sovereign Indian Tribes, environmental groups and the many citizens of south Florida and the nation. Enormous progress has been made and she believed they are on the road to renewal. She noted the agreement between the President and Governor Bush to implement the Everglades restoration legislation. As a result of this agreement, the State is committed to manage its water resources in a way that makes the Everglades the highest priority. The federal government commits to be an active partner and obtain the funding to work with the state to get the water right. She commended Governor Bush for his leadership in developing the agreement and for his strong commitment to the Everglades. The next step will be to work with the Corps of Engineers and interested parties to continue to refine the Programmatic Regulations in improving the initial draft. Congress requires the Department of the Interior to concur on these regulations which gives the Department the opportunity to ensure the benefits intended are incorporated in the regulations. She affirmed her strong commitment for Everglades restoration and her support for the DOI team in Florida. She has appointed her counselor, Ann Klee, as Chair of this Task Force and presented Ms. Klee with a gavel as a symbol of the great faith she has in her. Secretary Norton introduced Fran Mainella, Director of the National Park Service, who has a tremendous interest in preserving and protecting the Everglades. Secretary Norton expressed her best for a quick recovery of Mr. Jim Shore on behalf of the Task Force. Mr. Shore, who was still hospitalized, has been an active member of the Task Force and has contributed greatly to the efforts to restore the Everglades.

Secretary Norton reported on the many positive steps the Department has taken to restore the Everglades:

1. \$12 million was provided last year to assist the State to purchase lands within the Everglades systems which will be used to store water
2. Additional money will be provided this year for similar land acquisition grants
3. The Department is currently completing land acquisitions in the Everglades National Park which will provide permanent protection for this important resource
4. A Safe Harbor Agreement was recently approved with the Cheeca Lodge Resort in Islamorada for the Schaus Swallowtail butterfly. The agreement encourages the resort to take

measures to improve the habitat of the butterfly. Funds will be provided to plant native vegetation and plants that are vital to the butterfly's migration.

5. Department freed up \$1 million to eradicate invasive exotic species in Loxahatchee National Wildlife Refuge and \$300,000 to promote recovery efforts for the endangered Key Deer.

Secretary Norton remarked that she believes that the Task Force is vital to keep the momentum going. South Florida is an excellent example of the four C's (Communication, Consultation and Cooperation all in the service of Conservation) in action. The ecosystem restoration plan for south Florida is unprecedented in scope and magnitude. The successes of the plan will depend in large part on the continued collaboration and coordination over the next 35 years. The Task Force will be one of the guardians of the "4 Cs" and these meetings will provide a forum to discuss issues like the Programmatic Regulations. She noted that although everyone in the room has their own viewpoint, there is one shared viewpoint that the Everglades is an extraordinary treasure to be passed on to our children and grandchildren. She thanked everyone for coming to be a part of the process.

Ms. Klee remarked that she hoped that the Task Force would provide a forum for debate and discussion of the many difficult issues the agencies will be faced with. A significant portion of the discussion will be devoted to the Programmatic Regulations and noted the Corps decision to release a preliminary draft is a positive first step. Ms. Klee asked each Task Force member to summarize the key issues and opportunities in Everglades restoration for Secretary Norton.

Mr. Mike Collins noted the South Florida Water Management District has a unique role since they have the charge to work with the design and implementation of the Everglades Restoration Project as well as operate the existing system with all of its flaws. It will be a challenge to do this with a work force that has been under a hiring freeze for several years and a budget that will require funding the \$100 million out of existing funds. There is also the added responsibility to purchase lands that are currently rising at a rate of 15 – 20% per year. Modified Water Deliveries and C-111 are critical components for delivery of water to Everglades National Park, which have been delayed for ten years. The Task Force needs to set the stage on how this will be solved.

Mr. Mike Parker reminded everyone of the challenge made by Senator Graham at the Everglades Coalition meeting for the President and Governor's Agreement to be signed by the end of February. The agreement was signed on January 9, 2002 and the State of Florida. He noted his personal commitment as well as the commitment of the President to ensure this project is successful. He looked forward to working with everyone throughout this and future sessions.

Mr. J. Allison DeFoor reviewed the interesting history of Everglades restoration, covering over 100 years commencing with Harriett Beecham Stone and continuing into the present with Ann Klee. He wished the Task Force Chair well.

Mr. Dexter Lehtinen stated the Miccosukee Tribe and others are concerned that the procedures are not necessarily focused with water quality as an element. On an ecosystem-wide approach people commit in name but don't realize the full implications. It should be equality for the entire Everglades and one part should not be receiving favorable treatment. Tribe is concerned with single species management. The Task Force should vote on and set interim goals. Science should drive design yet most decisions or issues are policy issues. He cautioned against excessive delegation, such as in RECOVER, which could result in delays and lack of accountability. Adaptive Management could be seriously abused as an excuse for not meeting deadlines and reaching goals and this could be an area for the Task Force to play a role in. Water quality is a substantive issue and essential in the process.

Mr. Jim Murley on behalf of Mayor Clarence Anthony noted the important issues of the local communities around Lake Okeechobee and their role in this process.

Mr. Mack Gray stated that agriculture and the use of the land and that land that contributes to the Everglades is a significant part of the ecosystem. The producers and USDA understand the responsibility

to do everything possible to improve water quality and will continue to work. NRCS has put a lot of technical assistance to assist the producers. The Farm Bill currently before Congress will provide a six-fold increase in the funds available for cost sharing, water quality and programs such as the Wetland Reserve Program, if it passes. USDA looks forward to working with the Task Force.

Mr. Sloan Rappoport stated his agency looks forward to working with the other members of the Task Force. He thanked the Working Group and the public for their continued involvement, critical to the success of this effort. The Task Force has an important role to play in implementing and tracking the restoration plan. The Department of Commerce is committed to continue their involvement. The restoration of the south Florida ecosystem is not only one of the largest undertaking but also one of the largest coastal projects in history. The effort will benefit the Everglades and have an impact on the coastal waters. The issue of water quality needs more attention and his the Department of Commerce is committed to working with the Task Force in ensuring clean water is delivered at the right place at the right time and in the right quantity. Recognize this is essential for the economy and the quality of life to its visitors and residents.

Mr. Andrew Emrich noted the Justice Department's commitment to this effort. The Justice Department has the statutory obligation to handle the litigation matters on behalf of the federal government. The Department will also be active in their role in facilitating discussions among the federal Task Force members. He looked forward to working with the members of the Task Force in finding solutions in order to restore this national treasure.

Mr. Steve Walker thanked everyone for their kind words, which he would pass on to Mr. Shore. The people who have participated in this Task Force have shown great vision. The Corps and the Seminole Tribe held a groundbreaking ceremony on the largest project the Corps of Engineers and an Indian Tribe have ever undertaken. He thanked the Task Force and noted it was important to stay on course. There is no consensus on what the end is and there is a need to have a goal in mind. The Seminole Tribe serves as a microcosm of south Florida and it lives, works and plays on the reservation. It is very important to restore their environment.

Mr. Jim Hanlon noted that Quantity, Distribution, Timing and Quality are the four principal foundations of CERP. It is important to recognize that all four are needed to be successful. EPA supports the Aquifer Storage and Recovery (ASR) efforts and it is important to ensure that the program is effective technically in meeting the design objectives but that they are implemented in accordance with the Safe Water Drinking Act. EPA will continue to work with the State of Florida to ensure this is realized. South Florida is the fastest growing coastal area in the country with water quality issues being in the forefront. Important to keep in mind as decisions are made those decisions that got us here as well as keeping in mind those opportunities that exist. The time to focus on the Florida Keys is now as implementation moves forward.

Mr. David Struhs announced that Governor Bush has proposed the 2003 Budget to the State and has proposed full funding for the state's share for the third year in a row. The funding problem is not whether to fund but where should the money come from and what sources are the most reliable. Governor Bush personally appeared before the Environmental Regulatory Commission and proposed a water quality standard of 10 ppb in the Everglades ecosystem. State recognizes that what makes the Everglades ecosystem unique is that it has had historically low phosphorus levels. The Agreement between the President and the Governor is very powerful and the water be made available to the natural system first. A lot of the new water will not become available for many years there are things that can be done in the short-term and this will be the focus of the SFWMD.

Interest Group Presentations

Frank Jackalone welcomed the Task Force members to south Florida on behalf of the environmental community. He was convinced everyone will fall in love with the Everglades which is still vast in size although it is only ½ its original size. Many species are endangered and 90% of birdlife have disappeared over the last century. The waters are poisoned by phosphorus and mercury. The flow was diverted and diminished due to the original construction project authorized by Congress. The Everglades Coalition believes the federal government is committed to Everglades restoration. The environmental community

hopes the Department of Interior plays the role of protector to make sure the Agreement is not violated by special interests seeking new consumptive water permits that will divvy up the water that should be reserved for the natural system. A letter was sent to the Corps of Engineers with an initial response to the draft Programmatic Regulations. The draft Programmatic Regulations defer every assurance to a series of separate documents, which have yet to be drafted, most of which would be exempted from public review. The environmental community feels the draft Regulations are inadequate and threaten the future of CERP.

April Gromnicki (Audubon of Florida) noted the Governor's Commission for A Sustainable south Florida unanimously agreed in 1999 that assurances were needed to ensure that the environment would not be negatively impacted by water management activities once it is restored. There are four components in the Assurances package: the President/Governor Agreement; the Savings Clause; the Purpose Language; and Programmatic Regulations. Audubon of Florida does appreciate the draft Programmatic Regulations being put out early enabling the discussions to start before a formal draft is issued in March. She reviewed Audubon's overarching objections, which include the circumventing of concurrence and consultations framework in WRDA and the deferment of all assurances to protocols and other documents outside the regulations. She closed by saying that assurances are about avoiding the worst case scenario and need to make sure that no one is stripped of their existing rights. A few of the suggestions include incorporating protocols into the regulations, maintaining concurrency and consultation, strengthen language for adaptive implementation, formalize the structure of RECOVER, formalize the process of moving from scientific recommendation to policy decisions (which should happen in an open forum), include interim performance goals and timelines (measures of restoration success looking at the hydrology, biology and ecology of the system).

Shannon Estenoz (World Wildlife Fund) stated the initial draft of the regulations fails to meet the intent of Congress for Interior to have a strong concurring role by deferring all matters of substance and most matters of process to outside documents that are non-binding. It is important for interim goals to be included in the regulation and that they measure restoration success of the plan. She is opposed to an implementation process that relegates all matters of measuring success to a project by project basis over the course of 30-years rather than doing it a programmatic level ensuring all the PIRs are tied in together. Performance measures need to be included in the Programmatic Regulations. Much of the implementation process will unfold under the jurisdiction of State Water Law, the comfort level goes down when you look at the history of water management and allocation. She pointed to the example that the Florida Keys Aqueduct Authority who just submitted its allocation for renewal of its consumptive use permit and is asking for its 2020 allocation today. It is unclear if the District has the authority to stop them. If that water is CERP water then the water is gone.

Mr. Phil Parsons who has been representing the agricultural interests in Everglades issues since 1975. The agricultural community supported the CERP when it was first presented to the Governing Board of the Water Management District and also supported the Water Resources Development ACT (WRDA) that was enacted by Congress in 2000. The plan establishes broad goals and objectives and notes that future demands for suitable water is expected to exceed the limits of readily available sources. Predictions of water restrictions in the future indicate serious and unacceptable levels of water supply cutbacks. Modelling of future without plan conditions show that for the Lake Okeechobee Service Center, which serves a large part of the agricultural region, 24% of water supply demands could not be met over a 30-year period, resulting in water supply restrictions every other year. Water restrictions are expected to occur every other year in Dade, Palm Beach and the Florida Keys and on an annual basis for Broward County.

The plan will expand the storage capabilities, enable the system to meet the urban water supply needs and reduce the frequency of water restrictions. The agricultural community believes that an improved system is needed to provide flood protection and storage. The system designed in 1948 is no longer adequate because of the growth in population. The water supply capability has to be expanded to meet all of the needs. There is a statement in the Programmatic Regulations explaining why priorities need to be created for the environmental needs and why the State's use of reservation needs to be restricted to protect the natural system. It states this is necessary to protect the federal investment and interests in the Plan. This suggests there is no interest in the balanced purposes and/or the state's interests. Still, the agricultural community supports the Plan with the belief that there is still harmony between state and federal law

requirements and that there are no fundamental conflicts. He suggested preparing a water budget with baseline conditions as well as answering key questions now: What does this project produce and under what conditions; and where does the water come from and where does it go? These questions need to be answered now. Agricultural community remains hopeful, they want the effort to succeed and support restoration.

Roy Reynolds provided a Power Point Presentation developed by the several utilities including those from Orange, Broward and Miami-Dade. This will provide a perspective of how the utilities view the current draft of the Regulations. The regulators should contain processes and not details. The interim goals, although they should be developed through the RECOVER process, do not belong in the Regulations. It is important for the initial reservations to be flexible enough to be changed as projects are developed. The Savings Clause applies to the existing legal sources and adaptive management is a key principle in the plan. There should be an equitable sharing when there are variations in the amount of water proposed and actually produced. The final operating manuals must be based on actual performance not on the performance proposed in the early design process. The utilities also believe the process must be flexible and consistent and equitable as the PIRs are developed. Goals should be established by RECOVER and they are the appropriate forum to develop the details. Based on the savings clause, no quantity of water available from sources as of December 11, 2000 can be transferred or terminated without first providing an alternative source of equal quantity and quality. References are made throughout the draft Regulations to the transfer of uses and users rather than the transfer of sources, there is a big difference and must be addressed and revised so that the Regulations are consistent with WRDA 2000. Urban water supply must be defined in the Regulations and the utilities do not agree to it as currently defined in the Regulations. Reservations should not become final until after a project has come online and it functioning. Agree with the draft regulations that the first operational priority should be to transfer the water from existing legal sources to the environment. Do not agree that the next two priorities should be new water for the natural system and then new water for all other uses. System-wide accounting for water is needed in order for adaptive management to become a reality. Firmly believe that adaptive management means operating projects based on operating performance and not on the forecasted performance. Believes this could be worked out if all the stakeholders work together.

Stu Appelbaum provided a Power Point Presentation (Enclosure 1) on behalf of the Corps of Engineers. The Programmatic Regulations are part of the Assurance of Project Benefits Provisions of WRDA 2000. He reviewed the four parts of the Assurances Section: Agreement, Programmatic Regulations, Project Specific Assurances and Savings Clause Provision. The President and Governor signed the agreement on the 9th of January and it provides that the water that is made available by the CERP projects will not be permitted or made unavailable by the State until reservations are made. The Secretary of the Army must promulgate the regulations by December 2002. Initial draft out to solicit comments and discussions to help prepare a proposed rule that will be published in the Federal Register. Three documents providing project-specific assurances are required. Project Implementation Reports (PIRs) will identify the amount of water to be reserved, Project Cooperation Agreements (PCAs) legal instruments between the Corps and the Sponsor and cannot be executed until after the reservations have been identified, and Operating Manuals to describe project operations. RECOVER has the primary responsibility to conduct adaptive assessment activities. If through adaptive assessment it is found that the system is not responding as expected, then the operation may be modified to improve performance and elements may be changed or the sequencing or scheduling of projects may be changed. Four major issues have emerged on the draft regulations: amount of detail in regulation; interim goals; linkage between state reservation process and CERP project development process; and the effect of actual availability of water on reservations. Next step is to work with the stakeholders in preparing the draft, currently on track to meet the final date.

Mr. Ken Ammon provided a Power Point Presentation (Enclosure 2) on water reservations, which sets aside water for protecting fish and wildlife and public health and safety. The reserved water will not be allocated to consumptive users and current water users will be protected. Periodic revisions to the reservations will be made based on new scientific information. WRDA and State Statute both contain assurance requirements. Basic assurances linkage in reservations include: not shifting existing sources until replacement sources available; natural system water not delivered until project operational; and no allocation of project water for human use until the project is operational. CERP water supply benefits will

be quantified by establishing a system-wide bank account, which avoids double counting of new water. This will be revised after each PIR is completed and must be consistent with system-wide master water control manual.

Ms. Klee asked if it was possible to establish a water budget now. Mr. Ammon said the capability exists to present the results of the computer models. Mr. Collins added the models are accurate up to a level once you have a large number of projects together and will need to be looked at. Mr. Lehtinen asked if CERP were not an issue, whether the District would know today how much water it would be able to permit. Mr. Ammon replied that a function already in state law. Mr. Lehtinen pointed to the example of SW Florida, which has over permitted, and how this could be prevented from happening in the future. Mr. Ammon stated this would not have happened if the district had had minimum flows and levels. Mr. Collins added they had not developed models that were needed at that time and could be attributed to not having accurate models at the time. Ms. Klee asked how the restoration effort gets factored in when a new consumptive use permit is being considered. Mr. Ammon replied that historically this was done on a “no-harm” basis (i.e. salt water intrusion, wetland draw down, effects on ENP).

Mr. John Fumero stated the focus would be on making sure CERP baseline water is not permitted away. Those projects are planned and an applicant will have to provide reasonable assurances the water will be available and it will not compromise the water resource. Regional water availability is the water currently being delivered in the system and which has not been well defined. Mr. Henry Dean explained that on a regional basis, the District can and will tell people to curtail their water usage.

Ms. Klee stated that the question of what restoration means has been raised and asked whether the Task Force would be able to help define the parameters for restoration. Mr. Parker stated that at a policy level it would be an area where the Task Force could play a positive role in. Mr. Collins clarified that the yellow book was intended as a marker for the discussion to start. He stated it would be useful to have consensus among this group. Ms. Klee suggested asking the Working Group to look into this. Mr. Collins asked for the opportunity to brief the Working Group after the March Governing Board meeting. **Follow-up: Mr. Ammon stated an updated could be provided in 4 – 6 weeks.**

Ms. Klee asked RECOVER to come back to the Task Force in three weeks with a general concept for discussion on what is meant by restoration which would be helpful in getting the Programmatic Regulations to the next step. Mr. Ammon suggested also having a presentation on the Lower East Coast Plan that reflects what the yellow book had envisioned.

Public Comment

Digger O’Toole (Property Owners in ENP) a Hollywood Florida resident who owns property with mineral rights in the Everglades Preserve. He noted he has heard no mention of the general public being able to utilize the water ponds that will be created. He stated it is important for the residents and the tourists to have access. He also questioned safety concerns against terrorism of the big ponds of water. Mr. Collins stated the Emergency Operations Center at the District works closely with the FBI and has contingency plans to deal with these issues. Mr. O’Toole also asked if there was a backup plan during the dry season. He stated that he has owned land in this area before Congress took over and now since Hurricane Andrew has been denied access to rebuild and clean up. He asked for the Task Force to provide positive input.

Rick Persson (S.A.F.E.R. – Trail Glades Bassmates) stated the Corps unknowingly created one of the best bass fisheries in the state when they dug the canals. The millions of dollars spent by anglers will be lost if canals are filled in. These canals also serve as a water refuge for game and non game fish during low water conditions. The loss of these canals will compromise flood control during times of hurricanes. He stated that if new modeling is done and canals left in place there will be sufficient sheet flow established, flood control will be maintained and recreational uses will be saved.

Brian Scherf (Florida Biodiversity Project) on behalf of 600 rare and imperiled species stated the National Academy of Science defines restoration as the return of an ecosystem to a close approximation of its condition prior to disturbance. System-wide goals and objectives are needed such as restoring hydrology and natural ecological functions and the abundance and diversity of species. The Multi-Species Recovery

Plan identified 68 threatened and endangered federally listed species with another 500 species that are rare and imperiled. CERP does not provide for habitat restoration. He pointed to the 1994 Science Subgroup Report that mentioned three characteristics of the Everglades: large spatial scale; habitat heterogeneity and sheetflow. More functional wetlands need to be created to replace the habitat heterogeneity that has been lost. Have encountered three train wrecks with the Cape Sable Seaside Sparrow, Manatee and Florida Panther and need to avoid 500 others from happening.

CAPT Ed Davison (Florida Audubon) as an advocate for 30 years, stated this is an insiders' game, unfortunately that won't get this effort through the many changes at the national level. Every drop of water needs to be monitored including drainage, which should be counted as a consumptive use. The equity has not been shared the environment has taken most of the shared adversity.

Brenda Lee Chalifour (Self, Save our Shoreline, Inc) stated she has also been involved since the inception and was thrilled to have members on board. In addition to listening she encouraged the new members of the Task Force to take advantage of the skills, knowledge and service of those who have been involved in this effort. She suggested adding an additional C to Secretary Norton's 4 C's, the sea, which has been neglected. The degradation of the beaches and shores are happening at the hands of your agencies. Permits are being issued allowing fiber optic cables to be placed on top of the reefs. The environment is the economy and the beaches and shores are in desperate need of help. She urged the Department of Commerce and NOAA to take the lead and get on the agenda.

Shannon Estenoz (World Wildlife Fund) said she appreciated the discussion that took place this morning. The use of harm as a standard for measuring is complicated because there are three levels of harm: harm; significant harm; and serious harm. Consumptive use permitting is supposed to prevent harm. A consumptive use permit is issued when the applicant has demonstrated that the withdrawal of the water causes no harm. The weakness in the no harm standard is that the withdrawal itself is the only thing evaluated. Concerned that water that will become part of CERP in the future is not permitted away today.

Madeleine Fortin (8.5 square mile area resident) stated communities like hers are not even at the table. Do not have the financial; resources or the political connection and get left out. Public comment does not have an effect. The Corps EIS for Modified Waters is based on inaccurate data. Half of her community will be destroyed and the other half will be left un-protected and the economic devastation to the community is profound. She hoped decisions will be based on accurate data and hoped communities like hers would be brought into the policy process.

Richard Grosso (Environmental Land Use Law Center) said competing demands have hurt the Everglades and purpose of this law is to elevate restoration and create a balance between restoration and flood supply. The process needs to achieve a result and ensure restoration and if it can't then the requirements of the law have not been met.

Barbara Jean Powell (Outdoor Recreation Community) said Florida has a rich tradition that cannot survive without a healthy ecosystem. She was delighted restoration will happen, however, dismayed that outdoor traditions are being eradicated. Hunting lands have been closed, in the name of restoration. Bass fishing will end if canals are backfilled. Tree islands have been decimated to protect the Cape Sable Seaside Sparrow. Gravely concerned that traditional access to public and private lands and waters will be put at further risks by components of the project. She asked the Task Force and the Department of Interior to work to preserve south Florida's outdoor traditions.

Working Group Update

COL Greg May introduced Rick Smith, newly elected Vice Chair, along with the other members who were present. He noted this is a large and diverse group authorized by WRDA 1996 and established to provide support to the Task Force.

The Task Force approved the Strategic Plan entitled Coordinating Success, which was submitted to Congress in July 2000. CERP is a subset of Goal 1 of the strategy document. The Working Group uses team activities and strategic planning efforts to assist the Task Force in achieving its goals. Some of the

teams are based on issues (i.e., ASR and Land Acquisition) and are established to provide recommendations to the Working Group and Task Force. Other teams (i.e., Kissimmee Valley and SW Florida) are established on a regional basis allowing the local and regional agencies the opportunity to provide input to the Working Group. The Science Coordination Team reviews science issues including water quality and hydrology for the Working Group and also provides interaction with the CROGEE. He highlighted the previous year's efforts including the Strategic Plan effort.

Mr. Richard Harvey noted the original ASR Issue Team was established four years ago and was charged with identifying those issues that needed to be addressed. The National Academy of Science's group, CROGEE, identified some additional issues that also needed to be addressed. The Working Group established the ASR Issue Team to track those issues and to make sure issues are being adequately addressed. This team has found that the Project Design Team (PDT) process is working as intended and issues are being adequately addressed.

COL May also presented the draft 2002 Working Group Workplan (Enclosure 3). Mr. Salt noted that Strategic Plan revision is due to Congress in July 2002 and the Working Group is reviewing its initial draft. The Goal 3 section is new and may or may not be controversial. He noted it is up to the Task Force on when they would want to receive the document for review. He noted the GAO critique of the original plan that the document did not link the linking restoration projects to the outcomes. Follow-up: Task Force asked for a copy of the initial draft Strategy document.

Mr. Salt noted the dispute resolution protocol was developed and the Working Group has completed its work in response to guidance from the Task Force. **Follow-up: Protocol will be presented to the Task Force at a future meeting. The Assessment of Invasive Exotic Plants and the Strategy document will be provided at a future meeting.**

Mr. Parker stated every year that this program is under funded the worse the problem becomes. He asked about the initiatives that have been discussed by the Working Group to take before the Congress. Mr. Salt said the team has put together a list with the highest priority items. The intent was that each agency would try to support those types of things within their own agencies. **Follow-up: Team could prepare a priority list to present to the Task Force at a future meeting.**

Mr. Salt noted this Task Force forged the way for the Quarantine Facility which is funded by Interior, to be built by the Corps and will be operated by USDA. A groundbreaking ceremony is planned in the near future.

Mr. Collins added there is no plan that this Task Force has developed to get the funding to deal with the invasive species problem. He noted the Legislature demanded the renewal of the 50-year lease with the Loxahatchee Refuge include language that would specify Interior would attempt to get the funding to deal with invasive species. Mr. Parker said the Task Force, as a group should take this up go before the Congress with one unified voice.

RECOVER MOU

Mr. Collins noted questions have arisen as to what happens to a project after RECOVER makes recommendations. The MOU simply states the agencies would work together, yet there are folks who want more specificity. Mr. John Ogden stated the objective of the agreement was for it to be a partnering agreement as an important step to make the RECOVER process more inclusive. It would provide guidelines to the other agencies and lay out in general terms what is seen as the tremendous benefits of CERP. The good science needed for CERP is available in many different places and RECOVER would serve as the place to bring it all together. Mr. Collins stated item 9 deals with the question of limitations, and whether RECOVER would be making policy decisions. The intent is to establish an inclusive approach to adaptive assessment.

Mr. Lehtinen noted his concerns that the Programmatic Regulations that refer to RECOVER have not yet been adopted. The institutionalization of RECOVER should not occur until after they have been adopted. Many of the things that RECOVER will be doing such as recommending or adopting interim goals and

guidelines should be done by the Task Force. He pointed to paragraph 9, which describes RECOVER as being scientific and factual in nature. Yet they are asked to carry out the vision of CERP. He did not see carrying out the vision as factual. He stated he would be more comfortable with RECOVER being an advisory group to the Task Force who would adopt the interim goals. Mr. Collins said this is a non-binding agreement for agencies to work together and would be signed by those willing to participate. The issue of how RECOVER relates to the Task Force is separate. RECOVER will produce a product that may or may not be used by the agencies. Mr. Lehtinen noted that RECOVER will work on the CERP Update (report) and refinement and he was not clear on what this all meant. New information and new data will be used to update CERP, yet the MOU disclaimer states that anything with an impact on policy is not done by RECOVER. Ms. Klee stated this is the place to clarify these issues and concerns. It makes sense to have the scientists bring any new or relevant to the decision makers such as the Corps of Engineers. The scientists are not the ones to make the decisions and this is a management issue. Mr. Lehtinen suggested RECOVER work products be reviewed by the Task Force. Mr. Collins suggested working on this with the goal of having it signed. Mr. Walker said the Seminole tribe shares similar concerns and agreed it is a management issue. There is a need to review and closely evaluate what people are doing, before it is presented as science.

Administrative Matters

Mr. DeFoor asked for a thank you letter to be sent to St. Thomas University of Law for the copies of the Law Review. He also noted this would be the last meeting he would be attending representing the State of Florida. He wished everyone well and continued success.

Mr. Collins nominated Mr. David Struhs to serve as Vice Chair and Mr. Lehtinen seconded nomination. Mr. Struhs was elected without objection.

Ms. Klee opened the discussion of voting and decision-making and how the Task Force could play a larger role in helping advise the regulatory agencies responsible with implementation of CERP. She stated the Task Force should continue to achieve consensus on all issues, recognizing the obligation to play a role in issues even when there is not total consensus. A protocol or process is needed with a determination by this group of what the majority will be, either 2/3 or other. Also need to recognize the minority or dissenting vote. The Working Group voting protocols were provided for discussion. The Task Force has traditionally used the Working Group Protocol informally. Mr. Collins said this is likely the best course as long as the minority view is recorded. Mr. Walker said the Seminole tribe's preference is to reach consensus but he was supportive of proposal. **Follow-up: Mr. Salt would work with his staff in putting together a revision of the Working Group protocol and distribute it for adoption at a future meeting. Ms. Klee suggested the draft document emphasize two points: Task Force would continue to work in collaborative way with the goal to reach consensus when possible and issues would only come to a vote as a last resort and opportunity would be provided to record minority positions.** Mr. Walker asked whether an alternate is able to vote and suggested including this in the protocol. Mr. Salt clarified that an alternate designated by the Task Force principal is able to vote.

Ms. Klee stated the process on how the Task Force interacts with the Working Group needs to be formalized. Mr. Salt was tasked to work on this process document prior to the next meeting. First thing would be to ask for issues the Task Force members want to have discussed. Ms. Klee said the procedural guideline would ensure the Working Group is focusing on those issues that are of the highest priority to the Task Force.

It was agreed to have Mr. Salt set up a series of meetings approximately three weeks apart that may be cancelled if they are not needed. The next meeting in three weeks to hear from RECOVER, Programmatic Regulations, restoration parameters/measures, water plans. She asked the Working Group to develop a concept paper on recommendations to coordinate those three entities that are providing scientific advice ensuring the goals of the Task Force are also being met for discussion at a future meeting.

Mr. Collins agreed it would be useful to establish a protocol given the many groups doing science and the previous attempts to coordinate all of them. The Working Group is the appropriate forum to make recommendations on how to make that work.

Mr. Lehtinen asked what CROGEE had been asked to do. Mr. Salt replied they were given four tasks: ASR; performance measures; marine estuarine systems; and technical aspects of storage. They completed the first report on ASR and are currently working on the performance measures report. CROGEE will be asked to brief the Task Force at a future meeting. Mr. Murley noted Mayor Anthony is interested in the inclusion of the issues on Lake Okeechobee from the standpoint of the small communities around the lake who don't share the economic benefits along the coast. Ms. Klee would draft a list of potential assignments for the Working Group for discussion and prioritization.

Mr. Collins noted the success of the Governor's Commission for A Sustainable South Florida, designated as an advisory body. That group provided support to the development and passage of WRDA on issues that were very controversial. With this success in mind the Water Management District designated the Water Resources Advisory Commission (WRAC) as an advisory body to provide a similar function. This is a multi representative group including utilities, agricultural communities as well as the Tribes. It provides feedback from a number of stakeholders. He suggested the Task Force adopt this group as an advisory body. Ms. Klee agreed a group like the WRAC would ensure a better-coordinated decision-making. Mr. Walker agreed this would add non-governmental representatives not represented on the Working Group and was supportive of the proposal. Mr. Collins added that the consensus process from a group like this has been beneficial to the everglades restoration efforts over time. **Action: The discussion to designate WRAC as an advisory body to the Task Force was approved without objection.** Mr. Salt said a presentation would be scheduled from WRAC at a future meeting. Mr. Collins introduced Mr. Julio Fanjul, Executive Director of WRAC, who will continue to be a member of the Working Group.

Public Comment

Guy Forchion (staff for Congresswoman Carrie Meek) said that although Congresswoman Meek thinks globally she acts locally. It is important to get the water right leave and something sustainable for the next generation. The Congresswoman would like to see educating the constituents on water supply projects as well as informing them on how they could get involved. It is important for people to know what they can do and how they can fit in. Mr. Parker said the Army has one of the best track records on outreach and the communities will gain because of the work the Corps is doing.

Follow-up

Mr. Salt will work on three documents: draft voting protocol; process for the relationship between Task Force and Working Group and preliminary list of potential Working Group assignments for review and prioritization at a later date. The next meeting will be scheduled in three weeks with presentations to be provided from SFWMD, RECOVER and SCT on information and advice recommendations to come up with a better definition of restoration. Ms. Klee thanked the audience and all the participants who have dedicated their time to this effort and have set the ground work for what will be a great collaboration and kick off to completion of the restoration of the Everglades. Mr. Collins thanked Ms. Klee for setting the tone on how this group will operate.

Meeting adjourned at 4:50 PM.

Enclosures:

1. Briefing Booklet with Agenda
2. Programmatic Regulations Power Point Presentation
3. Water Reservations Power Point Presentation
4. Draft Working Group 2002 Workplan
5. St. Thomas University Law Review