

*Approved Meeting Summary  
South Florida Ecosystem Restoration Task Force  
Conference Call  
August 23, 2002*

**Welcome and Administrative Announcements**

Ms. Ann Klee called meeting to order at 1:10 PM. Ms. Klee thanked the attendees for participating and noted the Working Group had done a good job addressing the Task Force issues in the Strategic Plan. She explained that the public is able to listen to the meeting through a live web cast, with public comment scheduled for 3:00 PM. She announced that the Environment and Public Works Committee will be having a hearing on Everglades and she would like the document to be ready and available at the hearing.

Ann Klee, Chair, U.S. Department of the Interior  
Clarence Anthony, Mayor, City of South Bay  
Roger Griffis for Sloan Rappoport, U.S. Department of Commerce  
Henry Dean, Executive Director, South Florida Water Management District  
Roman Gastesi for Jose Diaz, Mayor, City of Sweetwater  
Andrew Emrich, U.S. Department of Justice  
Thomas Gibson, Associate Administrator U.S. Environmental Protection Agency  
Ron Marlow for Mack Gray, Acting Deputy Undersecretary, U.S. Department of Agriculture  
Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians  
Camille Mittelholtz for Linda Lawson Department of Transportation  
John Outland for David Struhs, Vice-Chair, Secretary, Department of Environmental Protection  
Patty Power for Jim Shore, Seminole Tribe of Florida  
Rick Smith for Denver Stutler, Executive Office of the Governor  
Earl Stockdale for Les Brownlee, Under Secretary of the Army and Acting Assistant Secretary for Civil Works  
Michael Collins, Chair, Water Resources Advisory Commission  
Rock Salt, Executive Director, South Florida Ecosystem Restoration Task Force

Ms. Klee started the meeting by asking COL May if he had any comments as chair of the Working Group. COL May said he was very pleased with the level of cooperation regarding the Strategy. Mr. Salt summarized the key changes to the strategy document particularly the new preamble and revised Goal 3 sections.

**Comments on Preamble**

Ms. Klee explained that at the bottom of the page “this strategy” is missing a semicolon. Mr. Outland mentioned that Florida Forever includes CARL and SOR. Mr. Smith offered language that states “under the umbrella of Florida Forever”. Mr. Henry Dean didn’t want to lose the mention of CARL and SOR projects because he felt that Florida Forever didn’t capture all aspects of the programs. Ms. Klee suggested just inserting Florida Forever and all agreed. There were no comments on the table of contents or on the glossary and acronym pages.

- Pages 1 - 4: No comments
- Page 5: Mr. Salt pointed out that this is a new section. He noted that there are some typos and suggested the text be changes to “the Task Force is committed to resolving such issues as necessary without compromising its long-term focus ...”. Mr. Salt explained the Working Group found the issues raised by Mr. Lehtinen to be important and revised the text as shown. This is the Working Group’s recommendation in response to the specific task given to them. Ms. Klee asked if the words “whenever possible” could be added because legal missions couldn’t be usurped. Mr. Dexter Lehtinen explained he used the word “should” because it is what should happen if restoration is to prevail. He wanted to show the conflict between the law and what needs to be done in Congress. Ms. Klee said she was worried that it could be interpreted as if it were above the law. Mr. Lehtinen suggested that in the event other laws prevent such action then Congress should address the problems of inconsistent statutory demands. Ms. Klee said she could not sign off on the “should prevail” language and broad restoration goals cannot trump statutory obligations. Mr. Lehtinen suggested that if the law were to be rewritten today, the restoration goals would trump other missions. Mr. Smith agreed to leave it the way it is to not “box you in”. Mr. Lehtinen said it was his opinion that the Task Force would vote for

less than achievement of restoration goals and the existing language gives impression that everything is okay. He also stated that the 3<sup>rd</sup> sentence is wrong and it validates agency bureaucracy. Ms. Klee said the question is how to balance short-term risks versus long-term benefits and this is the heart of the problem. She explained that managing lands this way is the only way to get to restoration and said she felt strongly about this. Mr. Lehtinen said the sentence says the opposite but Ms. Klee disagreed and referred to the short-term impacts of the Lake Belt with long-term benefits as an example.

Ms. Patty Power gave an example of a project in which the 1<sup>st</sup> phase had initial wetland impacts with the 2<sup>nd</sup> phase fixing it and more, yet DEP says that mitigation was needed. Mr. Lehtinen said that in his opinion, this was violating a law and added that environmental laws don't always support achievement of restoration, and said the Endangered Species Act was an example of multi species versus single species management. He further explained that natural flows are not really wanted because of what it does to the sparrow and asked whether the 3<sup>rd</sup> sentence would be deleted or not. He added that agency program missions over broad goals are the precise problem that restoration has unsuccessfully faced over many years and has contributed to substantial delays. Mr. Lehtinen said he accepted that this would not be deleted. Ms. Power suggested the following be added as the last sentence, "Where there may be conflicts between existing statutes and broad restoration goals, it may be necessary to have Congress address such issues". Mr. Emrich said he could live with that and pointed out that the Task Force doesn't sit as a court and the statute to resolve issues is policy related. Mr. Stockdale said the Task Force is committed to facilitating the resolution of these issues relating to statutory duties.

Mr. Lehtinen asked for clarification on how a minority opinion would be presented. Ms. Klee explained it would be included in the appendix and not a separate report.

- Pages 6 – 10: No comments
- Page 11 and 12: Ms. Power suggested minor edits, which were approved without objection.
- Page 12: Mr. Smith asked Mr. Lehtinen if he was okay with the lawsuit language and Mr. Lehtinen said "yes".
- Page 13: No comments
- Page 14: Mr. Lehtinen pointed out that the 1988 entry should reflect the correct date of "1999"
- Pages 15 – 21: No comments
- Page 22: Mr. Salt said that a "word for word" change is needed in this section on Conflicting Restoration Goals to reflect the earlier changes in the executive summary as well as in the footnote and the Task Force agreed.
- Pages 23 – 33: No comments
- Page 34: COL May suggested "lifting" the language from the statute directly and replace the existing language.
- Pages 35 – 36: No comments
- Page 37: Mr. Lehtinen wanted the Consent Decree in chronological order as well as on page 14. Mr. Smith asked whether the Task Force had adopted the underlined language. Ms. Klee clarified that the Task Force had not gotten to the language yet and it was an attempt to address earlier concerns. Mr. Dean said it was fine. Mr. Smith asked for the statement to read positively, if possible. Mr. Collins said it would be nice to reference the fact that it is not yet known what the cost will be. Mr. Smith said that it is being worked on. He said the "SFWMD is conducting research to determine technologies and funding source, however no plan or funding has yet been funded or approved". Mr. Collins said it implies a fault and that it is really a matter of not funding something until it is known whether or not it would work. Ms. Klee suggested, "The state is completing research on technology and funding" then add a sentence "no funding is approved or planned" and also suggested language as follows "consistent with the decree". Mr. Collins said the language is a finding and "we can't do that". Mr. Dean suggested the following "The District is pursuing, but has not yet recommended a Phase 2 solution or appropriate funding source".
- Pages 38 – 47: No comments
- Page 48: Mr. Salt recommended that the last sentence in the 4<sup>th</sup> paragraph and the last sentence on the page be deleted and Mr. Outland agreed with both recommendations. There were no objections to the deletion.
- Page 49: No comments
- Page 50: Mr. Salt indicated this was new text.

- Page 51: No comments.
- Page 52: Mr. Smith was concerned that a sentence about recreation be inserted and was satisfied in finding the language already in the document.
- Pages 53 – 61: No comments
- Page 62: The paragraph at the end of the page confused some people by using the term “codified” and there was a recommendation to clarify the district process which is scheduled to be completed in 2002. Mr. Dean said the syntax is a little unreflective of the WMD’s process. He explained they are developing the process now, which is due to be completed in December 2002.
- Pages 63 – 72: Mr. Lehtinen said he was confused by the matrix and said it looked more like a wish list and referred for example to project 2163 “acquisition of Big Cypress in-holdings” and said it is not something the Task Force examined and endorsed. Ms. Klee concurred and suggested the document state that the agencies have individually provided the project data but the Task Force has not examined or evaluated them. Mr. Salt explained the purpose of including the projects in this document was to try to pull the efforts together in a way to show the cumulative and coordinated efforts. Mr. Lehtinen protested that these are just agency desires and not part of a coordinated effort. Ms. Klee asked why not say that “these are functions of independent agencies and the Task Force does not endorse or evaluate them”. Mr. Smith asked what the asterisks (\*\*) meant and Mr. Salt said that it should read that the project is consistent with the Big Cypress Authorization.
- Pages 82 - 89: No comments.
- Page 90: Mr. Lehtinen suggested adding “by the state if the state so chose”. Additionally, Mr. Stockdale proposed several changes for readability purposes and all agreed. The project design ...several ...features the projects consist of several structural features that are intended to restore the conveyance of water to. ” Everyone agreed. “Improved water deliveries will also be achieved through.” Everyone agreed. Mr. Stockdale also said to remove the “s” in last sentence regarding Modified Water Deliveries.
- Pages 91- 104: No comments.

#### Public Comment

Mr. John Marshall asked why the target could not be defined in the glossary.

Mr. Paul Johnson (Reaper Leaf) commended the Task Force on this process and stated that Reaper Leaf would continue to follow the issues as they evolve.

Mr. Gene Duncan thanked the Task Force and the staff for providing the live web cast over the Internet and suggested this be done more.

Mr. Patrick Hayes said there was no structural framework in the Strategic Plan that accurately portrayed the NE Everglades since it had not been looked at initially. He asked that the Loxahatchee Wild and Scenic River be included in the opening summary. Mr. Hayes referenced the state’s Wild and Scenic River Act calling for the restoration of the freshwater ecosystem of the NW fork of the Loxahatchee River to the southern boundary line of Jonathan Dickinson State Park. Similar targets and indicators have already been selected for the St. Lucie River Estuary, i.e., improved sea grass and oyster beds along with aquatic and avian species habitat enhancements.

#### Strategic Plan Approval

Mr. Salt asked if there was a motion to approve the document as amended. Mr. Dean moved and Ms. Power seconded the motion to approve the Strategic Plan as changed.

Mr. Salt polled the Task Force. Mr. Stockdale, Mr. Dean, Mr. Gastesi, Mr. Emrich, Mr. Gibson, Mr. Marlow, Ms. Klee, Mr. Lehtinen, Ms. Power, and Mr. Outland, voted in favor of adopting the Strategic Plan. Mr. Stutler, Mr. Anthony and Ms. Mittelholtz were no longer on the line. There were no negative votes and the Strategic Plan was approved. Mr. Salt reminded the Task Force to provide additional grammatical comments by Monday, August 26, 2002.

Meeting adjourned at 3:30 PM.

Enclosures:

1. Agenda
2. Draft Strategic Plan