

*Approved Minutes for the
Joint Meeting of the South Florida Ecosystem Restoration Task Force
and the Water Resources Advisory Commission
Westin, Key Largo
June 7, 2002*

The portion of the Task Force meeting on June 6, 2002 was conducted in a joint session with the Water Resources Advisory Commission, the advisory body to the Task Force. The draft minutes were prepared by the WRAC and are attached (pages 11 – 14).

Ms. Ann Klee called the meeting to order at 9:02 AM and welcomed everyone. She noted there was a good discussion the prior day on the Pre-CERP baseline. Mayor Diaz made a motion to approve March minutes and Mr. Les Brownlee seconded. **Action: March minutes approved.**

Ann Klee, Chair, U.S. Department of the Interior
Ernie Barnett for David Struhs, Vice-Chair, Secretary, Department of Environmental Protection
Les Brownlee, Under Secretary of the Army and Acting Assistant Secretary for Civil Works
Henry Dean, Executive Director, South Florida Water Management District
Jose Diaz, Mayor, City of Sweetwater
Andrew Emrich, U.S. Department of Justice
Mack Gray, Acting Deputy Undersecretary, U.S. Department of Agriculture
Richard Harvey for Thomas Gibson, Associate Administrator U.S. Environmental Protection Agency
Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians
Jim Murley for Clarence Anthony, Mayor, City of South Bay
Patty Power for Jim Shore, Seminole Tribe of Florida
Sloan Rappoport, U.S. Department of Commerce
Rick Smith for Frank Jimenez, Executive Office of the Governor
Michael Collins, Chair, Water Resources Advisory Commission
Rock Salt, Executive Director, South Florida Ecosystem Restoration Task Force

Dispute Resolution Protocol

Mr. Rock Salt provided some historical background on the Protocol. The General Accounting Office recommended the Task Force improve its capability to resolve disputes among the members of the Task Force. The Task Force commissioned an expert panel headed jointly by a Natural Resources Institute in Arizona and the Florida Conflict Resolution Consortium. They provided a report to the Task Force with recommendations that the Working Group develop a better protocol. The Working Group recommended a protocol for a process for the Working Group to organize issues in a way to facilitate resolution, recognizing the Task Force and Working Group have no authority to impose mediation or any particular solution. The Working Group approved but has not yet invoked the protocol. The protocol was submitted to the Task Force for discussion and possible approval.

Ms. Klee asked the members whether they were prepared to adopt this at this time. She stated she was not comfortable and wanted to review it further. Mr. Rock Salt noted the Working Group is willing to use this as their protocol and the Task Force could choose to approve or acknowledge it. Ms. Klee suggested the Working Group not use this until it is approved. Mr. Ernie Barnett cautioned those issues identified by the Working Group are those types of things that should be tackled by the group. Mr. Mike Collins added that if local governments make decisions that impact national resources then this should be the means to set up a dialogue to discuss it with the local government. Ms. Klee suggested finding a scope of issues to be brought before this process. Mr. Dexter Lehtinen stated that simply because of the title, its not a question about talking about issues, which is always allowed, this could imply something more than talking. Ms. Klee suggested sending the protocol back to the Working Group for revision possibly identifying options and alternatives. Mr. Lehtinen agreed that the Working Group should not be in the position of resolving disputes and that this was not in their purview and agreed it needed to be reworded. Mr. Collins suggested issues be raised at the Working Group level and brought to the Task Force for resolution. The Working

Group should then be tasked to do whatever the Task Force decides. **Follow-up: The Dispute Resolution protocol document was sent back to the Working Group for revision to reflect the approach suggested by Mike Collins rather than setting it up as a dispute resolution mechanism.**

Ms. Klee noted that copies of the Sanctuary Monitoring Report referred to as the NOAA Report Card at the prior meeting was provided in the briefing binders.

Task Force Whip-Around

Mr. Ernie Barnett said Secretary Struhs sent his regrets for not being able to be at this meeting. He reported that the State legislature provided the \$100 million bonding authority for part of the local sponsor share for the SFWMD's land acquisition as well as \$25 million for the SFWMD representing their share of Forever Florida funds. The \$125 million will be used exclusively for CERP project components. The State has been able to maintain the level of funding in a tight budget year. Everglades funds held firm and continues to be one of the Governor's and State Legislature's highest priorities.

Mr. Mack Gray reported the Science Coordination Team held a workshop three years ago on how to integrating agriculture and ecological solutions. Another workshop is planned for 2003 to look at the research needed in that area. The President signed the Farm Bill, providing \$17.1 billion for conservation and up to \$1.3 billion a year for cost sharing conservation practices with 60% being dedicated to improving animal agriculture/ecology, which will help with dairies. OMB hurdles still remain to be cleared but he believed this would be a big help to the effort in south Florida.

Mayor Jose Diaz stated flooding issues are very important and hoped there would be enough time to discuss this in detail particularly since there was confusion with several ongoing projects.

Mr. Les Brownlee stated he had the opportunity to fly over the Kissimmee River Restoration Project and saw some of the environmental recovery in that project. He also saw firsthand the many challenges with the southern end of the system that this Task Force will be faced with. He has great confidence with COL May and his staff and stated the Army and the Corps are solidly behind this project. He was impressed with all the people involved and he intends to be fully engaged.

Mr. Jim Murley stated that Mayor Anthony is out of the country and sent his regards. Mayor Anthony has indicated that in addition to the water issues and the Everglades issues, Transportation is an important regional issue for local governments and hoped it would be talked about at a future meeting.

Mr. Rick Smith announced he was sitting in for Frank Jimenez who was recently selected for a senior policy position in Washington for HUD and was unable to attend. He reiterated the Governor's principles when it committed Florida to fund its share of the restoration at \$100 million a year for ten years in addition to everything that has been done since 1983. The State seeks a true 50/50 partnership with the federal government from acquiring lands and respecting people's property rights, using sound directed practical science and having cost effective timely projects. It also means trying to cooperate and not litigate as well as provide public access for lands acquired with public dollars wherever possible to protect the resource. He said the job one is to get the Modified Water Deliveries project done. He clarified that the Governor did not veto the money for the Biscayne Bay restoration, but rather deleted the "earmark" language that was attached to the line item since the District should be the one to decide how \$25 million gets spent.

Ms. Patty Power said she looked forward to future discussions on the primacy of Florida Water Law and the Tribe is anxiously awaiting the release of the Programmatic Regulations.

Mr. Mike Collins recognized Dr. Patrick Gleason and Mr. Lennart Lindahl, P.E. Governing Board members. The Citizen's Advisory Committee identified water quality when the Sanctuary was first formed, probably the only real failure in the program. A large number of global influences affect the water quality of the Florida Keys and have done a good job, but have failed in the local area. The State has passed water quality standards, which will go a long way towards protecting the inshore water quality and the reef. There are several papers in peer review that will attempt to link the lack of activity on wastewater

to some of the degradation of the reef and in-shore waters. Money has been authorized but not appropriated to deal with the problem. He would attempt to get DEP and EPA to focus on providing guidance. Water quality, which is degraded daily in the Keys, is undermining the entire foundation of the economy there. The Governing Board has voted unanimously to serve as local sponsor for wastewater improvement activity the Corps may engage in representing the federal government. He thanked the board members for taking a brave stand and urged the Task Force to provide guidance to local governments as well as financial assistance.

Mr. Henry Dean stated he was sure that everyone shares the commitment in restoring south Florida's ecosystem. Four major things happened with Everglades funding at the state level, strong commitment from the Governor as well as the House and Senate who voted in favor of \$100 million per year in bond authorization with the proviso that if the Secretary of DEP states more money is needed for a particular year, it would be possible to bond additional money. It was also the first time the state and WMD met commitment of \$200 million per year. Governor also vetoed a provision that would transfer land acquisition funds to other programs. He thanked Secretary Veneman and Secretary Norton for the passage of the Farm Bill, which will help Florida in many ways. The President and the Governor announced the acquisition of the oil and gas interests in both Big Cypress and Destin Dome. He believed the May 2002 will be looked back on as a watershed year for Florida's ecosystem and believed great progress is being made.

Mr. Richard Harvey noted Mr. Gibson sent his regrets for not being able to be at this meeting.

Mr. Lehtinen said there would be substantial discussion on the Interim Operating Plan and more time would be needed. Ms. Klee agreed and hoped this would help start the discussion, which would in no way be completed at this meeting.

Working Group Update

COL May noted the Task Force request for the Working Group to develop proposed language on the role of the Task Force for consideration in the Programmatic Regulations. Ms. Klee noting the Task Force's important role for many years in CERP, suggested including background information on the history of the Task Force, the role it has played, why it is important for it to play a valuable role in CERP implementation. Mr. Rappoport asked how those recommendations would be weighed compared with the agency comments and whether they would be weighed more heavily. COL May described the agency input similar to a project perspective and the Task Force input as a watershed approach. It did not mean that one is more important than the other but the Task Force input would be seriously considered. Mr. Salt explained that during the development of the Restudy the Task Force had a statutory responsibility to advise the Secretary of the Army and the Task Force was able to distinguish its role from that of the individual agencies. This would not serve as a substitute for the formal agency engagement but it was a vehicle for the Task Force to identify items that were priorities.

Ms. Power suggested listing out the types of places where the Task Force would provide input. Ms. Klee said that where and how the Task Force plugs in will vary on the Corps process and the Task Force may want some flexibility on how it will communicate its message to the Corps. Ms. Power wanted the language to ensure the Task Force role is to direct the Corps to provide within the protocols a role for the Task Force. COL May responded there is a provision for the Army to provide key milestones which will serve as a "heads-up" on the opportunities for the Task Force to engage the Corps in its process. Mr. Salt noted this language is similar to the language in the statute regarding development of the Restudy and the Working Group was trying to mirror the intent of the original WRDA. Mr. Barnett cautioned the language not be too prescriptive and allow for leeway and added he felt comfort with the Task Force having a role while not being so prescriptive.

Mayor Diaz added that time is a factor on many of these issues and would like to see this Task Force have more "bite" and move these issues more rapidly i.e. flooding. Mr. Barnett agreed they need to find a way to move on issues, but in CERP implementation the role should remain broad. Ms. Klee said that to the extent the Task Force could make recommendations on a consensus basis and provide input to the Corps since this group comes with a broad representation and its track record, agreed this language provides the

vehicle and the venue but it is up to the Task Force to continue to work together. Ms. Power asked whether the Corps would be bringing everything before the Task Force, i.e., PIRs. COL May replied the Task Force could weigh in on coordinating policy level issues, there are far more issues than can be addressed, and are forced to deal with policy and essential issues. Ms. Klee agreed this group would be only able to review policy issues as well as those issues brought before the group by a member. Mr. Rappoport made a motion for the Task Force to adopt the language with the understanding that an additional paragraph would be included. Mr. Gray seconded motion. **Action: Language adopted without objection. An additional paragraph will be added with background information on the history of the Task Force, the role it has played and why it is important for it to play a valuable role in CERP implementation.**

Invasive Exotic Plants

Mr. Bob Doren noted the Task Force has long recognized the need to address invasive exotic species and plants, which was a serious threat to restoration. The Task Force directed the Working Group to deal with this issue and they created the Noxious Exotic Weed Task Team (NEWTT). The NEWTT produced an Assessment and Strategy of the invasive plant problem. The Assessment contains an overview of the problem and discusses the regulations and policy with an overview of the programs in the state. The Strategy talks about the size of the problem and suggests how to fix it with goals, steps and tasks. The Plan has four goals with 115 different tasks. Five tasks have been completed and 10 tasks have been identified that could be tackled with existing resources. The eighty remaining tasks have been identified along with the recommended lead agencies. NEWTT is working on crosscut budgets by tasks and looking at what is being spent within the Everglades Protection Area versus what is being spent outside of that area. NEWTT is putting together a Detection Workshop in February 2003 with the hopes of developing consistency on how the agencies go about detecting, mapping and assessing projects on species. It is hoped to identify the best set of techniques as well as standards that can be used by agencies. NEWTT has also been asked to participate in the 7th International Conference on Plant Invasion scheduled for November 2003. The NEWTT plans to report the findings of the Detection Workshop as well as the work done by NEWTT at this conference. He asked for any guidance the Task Force would have on this meeting. He asked the Task Force to keep in mind that these weeds continue to grow and are not waiting.

Mr. Collins added the current WMD budget contains almost \$18 million for invasive species control but agreed a more coordinated approach as that proved helpful in the Loxahatchee lease. Additional money is needed in order to put a dent in the problem. Mr. Doren said NEWTT would work to get the Everglades Protection Area budget settled particularly since all the CERP projects are within this area. It is difficult for many agencies to identify the funds that are dedicated to deal with invasive species. NEWTT hoped to have the budget by the fall. Mr. Gray questioned how to direct more money into research to develop biological control of things such as Melaleuca, which will never be controlled mechanically and urged everyone to think about directing more money into research. Ms. Klee noted there is already a joint venture between DOI, USDA, SFWMD and the State for the Research facility. Mr. Doren reported two insects have been released to deal with the Melaleuca problem. He agreed this is a multi prong approach and need to focus on biological, chemical and mechanical control. Ms. Klee asked the members if there were any concerns with having the NEWTT participate in the 7th International Conference. **Follow-up: There were no concerns with NEWTT participating in the 7th International Conference.**

Aquifer Storage and Recovery

Mr. Richard Harvey introduced Mr. Pete Kwiatkowski from the SFWMD. Mr. Harvey provided a Power Point presentation (Encl. 2) on the ASR Program that is regulated as part of the Federal Safe Drinking Water Act Program. CERP is proposing 333 wells with a storage capacity of 5 million gallons a day. Two hundred wells are proposed around Lake Okeechobee with an additional 133 wells scattered throughout the system. This will be at a scale and complexity never before attempted anywhere else. There are significant regulatory and technical issues that need to be addressed through pilot projects and the regional study. Recognizing the complexity of this issue, the Working Group formed an ASR Issue Team in 1998 and the effort resulted in the identification of seven issues and strategies recommended in the ASR Issue Team Report. In 2000, the National Academy of Science Committee on Restoration of the Greater Everglades Ecosystem (CROGEE) was asked to hold a workshop on the ASR process and they were able to identify three additional issues that needed to be addressed. Through the identification of these issues by both groups and in working through the Project Delivery Team (PDT) and the Project Management Plan

development process, all issues have been incorporated into the pilot projects. CERP contained \$33 million for the three pilot projects. He reported that Henry Dean along with the Governing Board decided that the water pumped down into these wells would be fully treated drinking water. The wells have been installed at the Hillsboro and Lake Okeechobee sites and water quality characterization is being conducted. NEPA scoping documents were developed to address NEPA issues associated with these two wells. Monthly progress reports are prepared for each of the pilot projects. Regional Study Plan has been published and offered for public comment that is due out in mid July. This Study will address issues beyond the scope of the ASR Pilot Projects, investigate regional technical issues regarding the feasibility of full-scale implementation of the ASR Program. The Working Group decided last year to create a second Issue Team to track the progress of the pilot projects and regional study to ensure all issues are adequately addressed. This second ASR Issue Team is intended to complement and not duplicate the efforts of the PDT process.

Mr. Murley stated Mayor Anthony represents the constituents of South Bay, one of the communities around Lake Okeechobee. This is an important issue in terms of outreach with very complicated issues that are difficult to explain to those people residing around the lake. He said it was important to work with the local elected officials. Mr. Harvey agreed there is a lot of misinformation on what ASR will or will not do. Ms. Klee reminded everyone of the discussion held at the last meeting in regards to the media reports surrounding the ASR report and hoped the Corps has a strategy to address these issues. Mr. Dean stated the \$33 million is not yet appropriated and is being sought for this year. Congressional funding is needed to complete this work.

Working Group Priorities

Mr. Salt explained that the tasks the Working Group works on are driven by its Charter. It prepares an annual workplan to describe its proposed work and creates teams for a particular purpose. The Science Coordination Team (SCT) and the Outreach, Environmental and Economic Equity Coordination Team (OEEECT) provide for broad coordination in other areas.

Ms. Klee expanded that one of the issues that came up at the January meeting related to what the SCT is doing, how they are identifying projects to work on and ensuring there is better communication with the Task Force. There has also been some interest in the Land Acquisition Team. Mr. Salt reported the Land Acquisition Team provided its draft to the Working Group. Ms. Klee asked the Task Force to think about those issues they may want to ask the Working Group to consider. Mr. Smith said the report would be ready in July and asked to get input before then. He hoped that less than fee deals would be encouraged when dealing with landowners. Mr. Collins said there are problems related to tax issues that will be brought before the WRAC for resolution.

Mr. Salt also suggested multi species/endangered species issues that were attempted. Ms. Klee said she would like the Task Force to consider looking at the issues of implementing a multi-species recovery approach and saw tremendous opportunity to take advantage of the FWS' Multi-Species Recovery Plan. She also hoped to be able to provide the SCT with further guidance. Mr. Salt noted some recurrent tension in the Working Group between the water quality language in its Charter and the water quality component in the Task Force Strategy. Ms. Klee said this is a discussion that needs to be held when the State representative is present. Mr. Harvey added that one of the issues is whether or not to develop a water quality protection plan for south Florida. CERP was never intended to fix all the water quality problems but there is an opportunity to take advantage of it. Project Management Teams need appropriate guidance so that they are able to implement what is in the yellow book. Mr. Collins agreed some of the tension is justifiable and the Corps has an understandable reluctance to "get stuck with the bill" and these issues need to be discussed by this group. Mr. Rappoport agreed with Mr. Harvey's comments and appreciated Mike Collins' comments as well. He encouraged everyone to read NOAA's report on coral reefs to see another example of why water quality is important in south Florida and this group should do whatever is possible to improve the water quality situation. Mr. Collins agreed it would be helpful for the leadership from this group to look at what happens at the bottom of the system. **Follow-up: The Task Force asked to be provided with the draft Land Acquisition Plan. The WRAC was asked to consider developing recommendations on this Plan. General discussion on the Multi-Species Recovery Plan will be scheduled for a future meeting with the purpose of providing guidance to the Working Group on**

what specific issues they will be asked to look at. Water quality discussion using the NOAA report as a starting point will also be considered for the next meeting.

Flooding Issues

Mayor Diaz requested this item to be on the agenda at the next meeting. The urban interests feel that the flooding solutions have only been looked at for the natural areas. Test 7 resulted in three major flood events in Sweetwater including the loss of two children in the “no name” storm. He thanked the WMD and the Corps for their assistance on this issue, however, there is a need to expedite and move forward on other programs that need to be put in place to address flooding. The canal levels should not be allowed to go up at any time without further study. He along with Mr. Lehtinen provided proposed edits (Encl. 3) on the draft Strategic Plan. Mr. Lehtinen said he has always believed that the road to restoration leads through protecting existing residents. If this is not done it will undercut funding and support for restoration. South Dade asserts there are places that did not flood for fifty years, before the south Dade conveyance system was constructed that are now experiencing flooding. The University of Florida study on flooding asserts that farmers that have been there for 30 years did not experience flooding. He asserted the sloughs do a better job of protecting south Dade than the Corps’ canals. The 8.5 square mile area under certain water regimes drained better when it had its flow off of sloughs than it does today. He said he is convinced that in some places, flooding has been aggravated because of a canal being dug and then blocked. The failure to provide flood protection damages the Central Everglades with excess water eventually being moved in an unnatural way and being stacked in natural areas eventually destroying tree islands. If water is moved through the Northeast Shark River Slough through the Modified Water Deliveries Project you avoid flooding in the 8.5 square mile area and save WCA 3A. He proposed using the flooding comments (Encl. 4) as the agenda item on water quality. Increasing canal water levels i.e. old G 211 held above 6 feet before the rain event even though hydrologists predicted this would be a problem. Mr. Collins asked if the WMD has ever been sued on G 211 and Mr. Lehtinen responded no. Ms. Klee asked if the information predicting higher water levels is from the new model. COL May said yes, but the Corps is still interpreting. Mr. Lehtinen added this model may show no adverse impact, but on the ground there may be adverse impact. This model does show adverse impact and the ability of the land to absorb water is less when there is high ground water level. He asked how an EIS could be issued without a valid model. Mr. Collins said it was inappropriate to discuss this issue since it is being litigated. Mr. Lehtinen pointed out that this is a public meeting. Ms. Klee said they are entitled to make all the points but not argue the legal points. She added that the legitimacy of the model is not being questioned. COL May said they will not flood people and take away property rights without due process and the record documents this mode of operation. To discuss the models help make decisions, these are tools. This is a new model and over the next 30 years there will many new models and need to figure out how to keep the frame of reference.

Mr. Collins said the WMD is committed to not flooding private property. Impervious surfaces also affect whether there is flooding due to the operation of the canals where there was no flooding in areas with historic sloughs. Ms. Klee recognized there would be many possible edits to the Strategy offered by members of the Task Force and statements would be included if there is a consensus. Mr. Lehtinen pointed out that no new concept or proposal has been introduced only those concepts in the draft.

Mayor Diaz asked COL May if there are any models that show no flooding in the future and added he heard all the models show increase levels of water and increased flooding. COL May explained new features will be added to the new models and a system needs to be developed to compare those results. Models are only one of many tools the Corps is considering as they refine their positions. He agreed many people characterize this as restoration versus flood protection. He noted his commitment and that of the Corps to come up with a win-win solution that will maintain long-term public support. Mayor Diaz said he is looking at an intense rainy season this year and time is of the essence. He believed there is a solution and that the urban and natural environment can co-exist. He is tasked with putting these time sensitive issues on the table to represent his area and there is a need to use this forum to move forward. He appreciated the opportunity to make a presentation on this issue at the next meeting to graphically illustrate what has happened in the past as a way to learn and develop ways to address the flooding problems in the future. Time is of the essence and for Sweetwater there is no more time. Mr. Murley said Mr. Lehtinen spoke about protecting existing residents, but noted the population projections are for an additional two million more residents in this area. He stressed the need to figure out where these new people will live as well as

what the emergency management situations will be. Mr. Lehtinen noted that the urban development line has been moved west north of Tamiami Trail and asked whether Miami Dade County consulted with the WMD and/or the Corps. Mr. Murley clarified that developments need to retain water on site but they face potential flooding if there is a large tropical storm. **Follow-up: A significant amount of time will be set-aside at the September meeting for Mayor Diaz and Dexter Lehtinen to provide a flood protection presentation that can be supplemented by Henry Dean.**

Community Input to the Task Force

Mr. Elijah Wooten stated Russell Setti sent his regrets. He provided an overview of his Committee, which was initially serving as advisory to Thaddeus Hamilton in trying to help draft language for the OEEECT. Since that time the group has continued to work together to better understand CERP and the restoration effort. Particularly of interest to the group is how this effort is relevant to the built environment in the sixteen county area. He provided the Task Force with a draft Cooperative Working Agreement (Encl. 4) with the intent of serving as advisors to the Task Force. The South Florida Ecosystem Restoration Council, Inc will be a non-profit organization and will receive input from the Committee on things such as business development, marketing and outreach to civic and religious groups. Committee members include Congresswoman Meek, state and local officials and city and county commissioners. They would like to take outreach to the next level. He looked forward to substantive dialogue in the future.

Mr. Guy Forchion, Congressional aide to Congresswoman Carrie Meek, said she regretted that she was unable to attend today's meeting. CERP and the restoration projects are an opportunity to do several things for the communities throughout south Florida. The built communities have been largely forgotten and Congresswoman Meek has a vision for community outreach and community input. Two years ago she called for the creation of an advisory group made up of elected officials, community activists, clergy and many others who would serve as ambassadors for the diverse interests in south Florida and advise the Task Force on a variety of topics related to CERP and ecosystem restoration. This would serve as a vehicle to enhance outreach in many areas and provide contracting opportunities, educational curriculum, post secondary internships and non point source pollution. The Council and the Committee have emerged to fill a gap. He looked forward to working together to make serious strides in outreach. He stated he has personally witnessed some of the flooding problems throughout the County. He invited the Task Force to hold their October meeting in the 17th Congressional District.

Ms. Carolyn Kennedy added the Council is trying to be inclusive of the 16 county area. The human community needs to feel like they are a part of the effort and part of the decision making process and she hoped there would be opportunities to help with the planning of CERP. The community is concerned with environmental justice and fair treatment and inclusion. It is important to get people involved in the clean-up process of the environment and the neighborhoods. They are planning a clean sweep on October 26 to help clean up many neighborhoods. She appealed to the Task Force to include not just African Americans but a diverse community including Hispanics, Indian and everyone included in the 16 counties.

Ms. Klee asked about representation on the Council. Mr. Wooten said that representation was initially from Miami-Dade, Broward and Palm Beach counties. Congressmen Alcee Hasting, Senator Dale Jones, Kendrick Meeks as well as elected city officials are a few of those on the Council. Ms. Klee asked to be provided with a list of the membership.

Mr. Thaddeus Hamilton added it originally started with four counties and this represents one of six regions. Ms. Klee asked if the federal government was participating in this group. Mr. Hamilton explained USDA would provide technical assistance to them. Ms. Klee asked whether there was a long-term charter the Council operates under. Mr. Wooten explained the group has bylaws and now setting up subcommittees to cover different aspects. It is hoped to replicate this model with a council covering all sixteen counties and six chapters that will coordinate outreach efforts in their respective areas. Mr. Collins agreed it was a tremendous value to have people already engaged within the communities in leadership positions providing assistance. He questioned how this not for profit group would interface with this Task Force. He noted the WMD will spend \$9 million in outreach this year using outside contractors. He was not sure the agreement with the Task Force would accomplish what is trying to be accomplished and why this agreement was brought before the Task Force who does not have funding rather than the WMD who does. Mr. Wooten

stated that as for funding they would probably talk with the District, however, the Task Force has a broader view than the WMD and the Corps combined and the number of issues that still need to be communicated to the public. Ms. Michelle Thomas stated the Seminole Tribe supports these activities and believes there is still a long way to go. She suggested looking at the tone of the agreement and possibly use a resolution. This is a not for profit group and there are many other similar groups with the help of USDA and other agencies and care should be taken with the document used. Mr. Hamilton said the document is similar to an existing document with the Museum of Discovery and Science.

Follow-up: Ms. Klee said outreach is very important and this document will be reviewed. Ms. Klee proposed deferring the discussion on the Independent Science Review Panel to the September meeting and adding a discussion on Land Acquisition.

Interim Operational Plan (IOP)

Mr. Dennis Duke provided a presentation (Encl. 5) on the status of IOP. He reviewed the historical flow patterns and the modified flow patterns as a result of drainage improvements that altered the flow of water. A series of experimental water deliveries programs were implemented three years ago in response to Congressional direction providing for management of the water system near Everglades National Park. Primary discharge from the WCA 3A is through the S-12 structure with some water coming from WCA 3B into the northeast Shark River Slough.

Mr. Jay Slack discussed the FWS' involvement particularly with respect to the Cape Sable Seaside Sparrow (CSSS). He stated that the FWS was looking for innovative solutions to provide benefits in the rest of the system. The long-term solution is the Combined Structural and Operational Plan, as well as the rest of the components of Everglades restoration. Mr. Duke said the Interim Operational Plan will be in place until a better system is developed. The Biological Opinion issued in February 1999 addressed the specific requirement to address the needs of the Sparrow until Modified Water Deliveries Project is in place. There are specific water restoration targets to address the nesting, breeding and habitat needs of the CSSS and prevent further deterioration.

Mr. Lehtinen asked how the FWS was able to issue a biological opinion if the models aren't finished and asked how another agency could issue a final opinion. Mr. Slack said they work with the Corps and the District and rely on their models. They were part of the team that was discussing not only how to develop the operational plan in the future but what the impacts or benefits would be using those models. Preliminary findings show the same impacts with the newer models. Mr. Duke clarified the newer models allow features to be added easily and are continually being refined. Mr. Collins said that modeling has to be backed up by monitoring and it is not enough for any agency to put out a plan without the operational flexibility to deal with unintended consequences.

Mayor Diaz agreed the projects are important and need to be put in place but did not like the increased water levels, which he stated would be detrimental since there are many features that are not yet in place (i.e. back-pumping). If there are higher canal levels, flooding will increase. He encouraged the levels be kept at the current level for now until the precise modeling is available. Mr. Dean said what has been presented today represents an outstanding effort that the Corps will do everything within their power to provide pre storm flood protection at the same level that was provided and supported the Corps' proposal. Mayor Diaz said that while he respected and understood the WMD and Corps' decision he was unable to trust a trial and error approach. Mr. Duke recognized there are shortcomings in any model and this is why the Corps is spending \$2 - 3 million per year on monitoring.

Task Force Strategy and Biennial Report

Ms. Klee asked everyone to review the draft Strategy and provide written comments to Mr. Salt by June 21st. Mr. Salt was asked to compile and distribute a complete set of the comments. A mini Task Force meeting will be scheduled in July to discuss the report since there is a deadline to get the report to Congress as well as the other agenda items not completed. Mr. Lehtinen provided comments the Strategic Plan (Encl. 6) with a significant set of deletions since they are no longer the Task Force's interim goals.

Public Comment

Ms. Erin Deady (Audubon of Florida) appreciated the Task Force' indulgence in response to their letter. Land acquisition needs to be expedited or this effort will be in trouble. She urged the Task Force to take up this issue next month and asked for a stronger partnership between the federal and state government on land acquisition. There is pressure with lands changing hands everyday and everyone around this table needs to think about how their stakeholder interests could look at the problem and provide answers. If she were COL May she would start analyzing development pressure when updating the CERP implementation schedule that drives the prioritization list for the District. If she were Chair Klee she would ask for a complete Land Acquisition briefing on the next Task Force agenda including how many acres have been bought and remain to be purchased on a project-by-project basis. If she were a Governing Board member she would change the philosophy regarding the permitting and land acquisition issues. Land acquisition has to be based on science. If she were Mr. Dean she would address the deficiencies in the regulatory process as well as the linkages and would ensure the needed resources are available. She commended the state in getting the bonding legislation. She encouraged the other members to put on their creative thinking caps rather than "throw money at the problem". The Land Acquisition Strategy is not a strategy but a compendium of information and does not discuss priorities and development pressures. Mr. Collins noted the District has already reorganized the agency to accelerate their efforts. Some of the recommendations come close to the firewall that is needed between manipulating land prices and doing fair market value and there is no agreement as to where that line should be.

Mr. John Arthur Marshall (Arthur R. Marshall Foundation) commented on the Strategy Plan. He joins Congress and GAO in suggested there be a more results approach than is reflected in the current version. At the GPRA level, it is clear that GAO and Congress are trying to move the agencies in that direction. He provided written comments (Encl. 7) and announced that he along with several scientists will draft a plan.

Ms. Mary Barley (Monroe County resident, Everglades Foundation) described the citizens of Monroe County are farmers of the sea whose jobs depend on water quality, quantity, timing and distribution. More ditching, dikeing and draining will harm their quality of life. CERP is not about flood control, which is a local issue and stated that some of the things that were said today are not in the federal realm. As Chairman of the Everglades Foundation she reminded everyone that the yellow book is a guideline and not a mandate and there are things that can be done to push this effort forward (i.e. Talisman which is now before the Governing Board). She asked the Task Force to recommend termination of the lease for Talisman. The Farm Bill has new money for conservation funds, she suggested setting up a committee to see how those funds could be used to enhance the funding process for Everglades restoration. The Task Force could have a voice at the Environmental Regulation Commission meetings on water quality. She asked everyone to remember that the water ends up in their community. Monroe County is an area of critical concern and they are not allowed to build anything yet more than 60% of the structures in the 8.5 square mile area are not even permitted. The residents of the 8.5 square mile area residents have more of an impact on what happens to Florida Bay than the Monroe County residents do in their own community.

Ms. Madeleine Fortin (8.5 square mile are resident) addressed Ms. Barley's comments and noted there is no proof that 60% of the structures are not permitted. Permits may not be in the computer system since they were permitted prior to the 1980s. Not sure how the 8.5 square mile area impacts the citizens of Monroe County since they do not traditionally contribute water to Taylor Slough or Florida Bay. When the FWS issued their Jeopardy Biological Opinion, they asked the Corps to complete the modified water deliveries project and not use test 7 canal operations. She believed the Corps has padded its budget \$40 million and it will cost at least \$60 million more than the original \$30 million project bringing the cost to \$100 million. The cost to the taxpayer includes the five lawsuits because of modified water deliveries not being competed as well as \$1 billion in flood related losses throughout the counties.

Ms. Brenda Chalifour urged COL May to better beach re-nourishment projects and work with USDA and ensure stabilizing vegetation is added. She also asked the Corps to correct past problems with Port Everglades and make a bypass project feature. If she were Mayor Diaz, she would not be as gracious as he has been and described what has happened to his community atrocious. Mr. Harvey talked about "truth in advertising" when he talked about water quality and the operative word "Ecosystem" includes beaches and shores and this needs to be on the Task Force agenda. If this Task Force is not going to address the entire

ecosystem then it should call itself “Everglades” restoration. This effort has been continually held up by Modified Water Deliveries and not dealing with land use issues, beaches and shores and other issues that need to be addressed. She encouraged getting these other things on the agenda.

Ms. Klee noted a mini meeting would be scheduled in early July, with a possible conference call later in the month. Meeting adjourned at 1:50 PM.

*Approved Minutes for the
Joint Meeting of the South Florida Ecosystem Restoration Task Force
and the Water Resources Advisory Commission
Westin, Key Largo
June 6, 2002*

Task Force/WRAC Joint Meeting Introductions by Ann Klee, Chairperson, Task Force & Mike Collins, Chairperson, WRAC

Chairman Collins convened the Joint Meeting and introduced Ann Klee, Chairperson of the South Florida Restoration Task Force. Chairman Collins introduced Mr. Appelbaum and stated the importance of Pre-CERP baseline.

Presentation

Development of the Pre-CERP Baseline and Initial CERP Plan Update, by Stu Appelbaum, Chief, Ecosystem Restoration Branch, USACE & Agnes McLean, Senior Planner, RECOVER, SFWMD.

Mr. Appelbaum gave a brief background of the “Yellow Book” performance issues. The major components of the effort were described. The Regional Hydrologic Models were outlined, including the modeling approach and why an upgrade is needed. The status of the model upgrade was reviewed. The Pre-CERP baseline is not required in WRDA, but it will provide a basis for determining if existing legal sources have been eliminated or transferred (Savings Clause provision), provide basis for quantifying water made available by CERP, and programmatic regulations. The Pre-CERP baseline key assumption issues were explained to the group.

The Pre-CERP Process was shown by a chart showing key assumption, sensitivity model runs, draft set of assumptions, model runs, develop draft pre-CERP baseline and establish pre-CERP baseline. Throughout the development process there would be public and agency input. The process is estimated to last through June of 2003.

Agnes McLean presented information on the system-wide performance measures. Ms. McLean explained that performance measures are the quantitative indicators of conditions in natural and human systems, and provided indicators of how close we are getting to our targets. A report on the status of the system wide performance measures was presented. The “Initial CERP Update” is a task that is listed in the Management Plan. After the initial CERP update then management needs to decide – does the plan look good enough – or is there more work to do? Ms. McLean explained the different steps that will be taken for each scenario. The ASR contingency planning process was reviewed. A recap of the schedule from October ’02 through June ’03 was given.

A question and answer session was held. Ken Ammon, Director, Water Supply Department, SFWMD, assisted in answering questions. Several WRAC members questioned models and Ms. McLean and Mr. Appelbaum both provided further information from their presentations. Questions on the Pre-CERP baseline were asked and answered.

Ann Klee, Chair of the Federal Task Force committee and the U. S. Department of the Interior, asked for clarification of the performance measures baselines and whether there will be public input, rulemaking, etc. Mr. Appelbaum said that each one of the PIRs are going to need a baseline and he had not anticipated rulemaking, but he will consider that. A comprehensive list of performance measures needs to be made.

Chairman Collins said that this group should prepare a statement for the Governing Board to resolve the process.

Public Comment

John Arthur Marshall, Environmental Action Committee. His group has some local issues that the WRAC have not taken up. The Loxahatchee River is one of those issues and he presented a “D-day” Resolution, as this would be a Resolution for Arthur Marshall. He read the Resolution to the group and a copy of the

Resolution is made a part of this record. Northern Everglades Watershed Conceptual Ecological Model being established as part of the Conceptual Everglades Restoration Plan (CERP).

Captain Ed Davidson, Marathon, Florida, discussed modeling.

Patrick Hayes, Loxahatchee River Coalition, Loxahatchee River, Tequesta, Florida, discussed modeling. The Loxahatchee River modeling did not show up on the last modeling and he asked if that has changed.

Ms. McLean said this is still on a 2 x 2 square mile model and further referenced this project.

Announcement

Shannon Estenoz announced that she is now the National Chair of the Everglades Coalition and she wanted to clarify that when she speaks at the WRAC meetings, it is only for the World Wildlife Fund and not the Coalition. If she does speak for the Coalition, she will so state.

Presentation

Water Management and Its Impacts to Florida Bay Ecology, by Jerry Lorenz Ph.D., Audubon of Florida. He believes that the Florida Bay environmental collapse in the early 1990's is really what got the entire restoration effort started. The Florida Bay is still not well, and Dr. Lorenz demonstrated that by the use of "Umbrella" type indicator species. The other indicator he used was the "Keystone" type ecological indicator. In summary, Mangrove habitats in the Keys were destroyed by development and the feeding grounds were useless to the Spoonbill populations and so they left.

Dr. Lorenz did an evaluation of recent operations, 1991-92 and 2002-01, comparing rainfall and salinity, and he reviewed the annual salinity range.

A question and answer session was held. Two Task Force members said that the Everglades Restoration effort began before the Florida Bay problems. It was stated that there is a need to improve the effects of downstream water flow. James Humble said that all scientific papers should be sent out for peer review. If the water flowing through the Everglades down to Florida Bay was pristine, then that would solve the problems in the Bay.

Chairman Collins said that he had asked Dr. Lorenz to make this presentation because there will be a presentation tomorrow at the Task Force meeting on similar ecological problems and he wanted the WRAC to also hear the presentation. He said we do not have the right to assume that our assumptions are always right. He appreciates the presentation by Dr. Lorenz and he expressed how important it is to have peer review of scientific data.

Stuart Strahl spoke on objective science and about molding it to their special project. We have to be careful on how we perceive all presentations.

Presentation

How Does the WRAC Advise the Task Force? Ann Klee, Chairperson, Task Force & Mike Collins, Chairperson, WRAC.

Chairman Collins discussed how the WRAC can work with the Task Force and how the Task Force would like for interaction by the WRAC. Chairwoman Klee said that what Chair Collins had outlined would work well for the Task Force. The WRAC could bring issues to the attention of the Task Force that they may not be aware of – they would welcome a two-way process of information.

Rob Barton (alternate for Jack Moller) asked how issues should be brought up to the Task Force. Chairwoman Klee said that it depends on the issue and she said that Chairman Collins sits on the Task Force and can bring items to the committee. Chair Klee said there are several ways to bring ideas and information to the task force and the members of the Task Force are very flexible.

Stuart Strahl wants to make sure the WRAC is advised and has specific goals to provide substantive input to the Task Force. Chairman Collins discussed the issue. A presentation next month on WRDA 2002 will be given, including the Indian River Lagoon Feasibility Study.

Public Comment

Mary Barley, representing the Everglades Foundation and Citizens of Monroe County on Land Acquisition and Florida Bay, Keys, Florida. She believes that the Florida Bay restoration did start the entire beginning of the Everglades Restoration. Florida Bay is still in trouble. Nothing has been done to improve flows to the Bay. Land acquisition is needed. She read a report in the Florida Specifier Magazine that 41% of the water consumed east of the Mississippi, is used by Florida farmers. Monroe County residents want equity in the water and water is good for the Bay. She believes this is a good opportunity for the WRAC to assist the Task Force and one place to start is to have a further review of the Yellow Book and information on Florida Bay. She urged restoration.

Brenda Lee Chalifour, Environmental Land Use Attorney, spoke on ecosystem restoration. She spoke against dredge and fill operations by the Corps on the beach. Coastal and Oceans and Beaches and Shores are items she would like to see on a future agenda.

David Fredericks, Executive Director, Dade County Farm Bureau, Homestead. He spoke on the modified waters delivery project. This project was enacted in 1989 by U. S. Congress and he wonders why it has not been constructed. This is such an important project and for 13 years nothing has happened. When will it be built and a timeline on when it will be accomplished is a question he would very much like answered. He needs someone to come to the rescue of this area of South Florida and he would appreciate any information the WRAC or Task Force could supply.

Mayor Diaz asked Dennis Duke of the Corps of Engineers if he had an answer. Mr. Duke said this is an incredibly hard issue and he has no excuse for not having this project completed, and he explained the background of the project for the last 13 years. He cannot give a date other than to say December 2003 is the targeted date and that depends on a Judge's ruling. Mr. Duke said it might be up to six months before the Judge makes a ruling. Mayor Diaz asked if the WRAC members could address this issue on their committee. Chair Collins said this group could not take up this issue until the Judge has made his ruling. Mr. Fredericks said the effects of flooding in Miami-Dade County has been devastating and he asked the committee members to fly over the L-67 canal to see the dead trees.

DeeVon Quirolo of Reef Relief, Key West, Florida, spoke on downstream impacts on the reef. She urged restoration for coral species, including up the water in the Keys. Ms. Quirolo asked that her statement she read be made a part of the record and a copy of her statement is made a part of the Minutes of this meeting.

Adjournment by Chairman Collins at 5:30 p.m.

Enclosures:

1. Briefing Binder
 - a. Joint Agenda (June 6)
 - b. Regular Agenda (June 7)
 - c. Proposed Language for inclusion in the Programmatic Regulations
 - d. Working Group Charter
 - e. Draft Working Group Teams Paper
 - f. Working Group Workplan
 - g. Proposed Dispute Resolution Protocol
 - h. Science Coordination and Oversight
 - i. Public Outreach and Participation Strategy
 - j. WRDA 2000 extract on Independent Science Review
 - k. Cooperative Agreement establishing CROGEE
 - l. Approved CROGEE Tasks
 - m. Draft Strategy
 - n. Draft Meeting Minutes, March 21, 2002
 - o. Signed Water Resources Advisory Commission Resolution
 - p. Signed Task Force Consensus and Voting Protocol
 - q. WRDA 1996
 - r. WRDA 2000

- s. Task Force Roster
 - t. Working Group Roster
 - u. Sanctuary Monitoring Report
 - v. Invasive Exotic Plants (Executive Summaries – hard copy) (Full Document on CD-ROM)
 - w. CROGEE Report on Aquifer Storage and Recovery
 - x. 2003 Cross Cut Budget
2. Aquifer Storage and Recovery (ASR) Power Point presentation
 3. Dexter Lehtinen's comments on Strategic Plan (re: flooding)
 4. Draft Proposed Cooperative Working Agreement
 5. Power Point Presentation on the Interim Operational Plan (IOP)
 6. Dexter Lehtinen's comments on Strategic Plan (re: performance measures)
 7. John Arthur Marshall Comments on the Strategic Plan
 8. Power Point Presentation on Development of Pre-CERP Baseline
 9. ISOP Monitoring Results 2000-2001 (National Audubon Society)
 10. John Arthur Marshall Comments "A D-Day Resolution"