

*Approved Meeting Minutes
South Florida Ecosystem Restoration Task Force
Ft. Lauderdale, FL
October 16, 2002*

Welcome and Introductions

Meeting called to order at 1:15 PM. Ms. Klee welcomed everyone to the meeting and said she looked forward to a very good discussion on some issues on the agenda that have been deferred for some time. She welcomed back Mr. Jim Shore and said she was delighted to see him. Meeting minutes from July and August (conference call) were presented. Patrick Hayes said that his comments made during public comment on the Loxahatchee River parameters are not reflected in the August summary. Rock Salt said he would see that they are incorporated. Ms. Klee made a motion to approve minutes from both meetings. Mr. Rick Smith seconded and the minutes were approved.

*Ann Klee, Chair, U.S. Department of the Interior
Clarence Anthony, Mayor, City of South Bay
Ernie Barnett for David Struhs, Vice-Chair, Secretary, Department of Environmental Protection
Bonnie Baskin, FAA, U.S. Department of Transportation
Henry Dean, Executive Director, South Florida Water Management District
Roman Gastesi for Jose Diaz, Commissioner, Miami Dade County
Andrew Emrich, U.S. Department of Justice
Kelly Brooks-Hall Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians
Richard Harvey for Thomas Gibson, Associate Administrator U.S. Environmental Protection Agency
Ron Marlow for Mack Gray, Acting Deputy Undersecretary, U.S. Department of Agriculture
Jim Shore, Chairman, 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, Task Force Advisory Body
Rock Salt, Executive Director, South Florida Ecosystem Restoration Task Force*

Whip Around

Mr. Ernie Barnett said Secretary Struhs sent his regrets. He announced the State has made much progress on CERP land acquisition. The state has acquired 75% of the lands needed for the initial 10 CERP projects, which represents 50% of all the lands needed for CERP. This has been made possible by the significant contributions from the federal government as well as the SFWMD resources. Operation and construction permits are now in place for the Everglades Awareness Radio. The public radio station at Gulf Coast Community College has offered to serve as the home base for the operations of that radio. The state will continue to work with others such as the Corps, DOI, tribes and others to get the message out. DEP is pleased with the focus given to the Loxahatchee River and commended the Corps for its inclusion in the CERP.

Mr. Jim Shore thanked everyone for the recognition and said he was glad to be back again. Mr. Shore said he was glad to be at this meeting. He commented on the number of meetings that are held since the Task Force was created. The Seminole Tribe is running out of manpower to cover all these meetings. He suggested the Task Force discuss the possibility of trying to consolidate some of these programs. He also provided the Seminole comments (Encl. 2) on the Programmatic Regulations, which is scheduled for discussion on the following day. Ms. Klee agreed there are a large number of groups and tasks and she suggested this item be added to the next meeting agenda. She asked Rock to compile a list of all the groups working on issues for the next meeting.

Mr. Earl Stockdale for Les Brownlee noted it is a busy time in Washington and Mr. Brownlee would be present on the following day. Mr. Stockdale said he was looking forward to the flooding discussion on the following day and noted he was encouraged with the reports he received on the Interim Operating Plan which deserves high marks at being able to adjust and meet multiple needs

Mr. Henry Dean recognized Mr. Stockdale as being a talented, hard working public servant. Mr. Dean reported that the Governing Board voted to acquire the Cypress Creek property, which forms the headwaters of the Loxahatchee River one of two federally designated wild and scenic rivers in Florida. Board also voted to acquire the balance of the Allapattah ranches in Martin County bringing the total to 21,000 acres of land acquired for that CERP project. He noted the cost for that particular project was \$52 million, and that USDA- NRCS provided \$30 million and Martin County provided \$10 million.

Mr. Ron Marlow for Mr. Mack Gray acknowledged the Wetland Reserve Program just shared by Mr. Dean as well as the partnership with the Nature Conservancy in using money from the USDA Farmland Protection Program to purchase a permanent easement on grazing lands in the Kissimmee River Valley.

Ms. Bonnie Baskin had no comments.

Mr. Roman Gastesi said former Mayor Jose Diaz is now a Miami Dade County Commissioner and he would be present on the following day to present the discussion on flooding.

Mr. Michael Collins reported the WRAC has developed comments on the Land Acquisition Strategy. Some of the WRACs other work products such as the adaptive protocols for Lake Okeechobee, "B list" rules and Pre-Cerp baseline, will be shared with the Task Force as they are completed.

Mayor Clarence Anthony said it was an honor to represent local government. He was particularly interested in the presentation on land acquisition as well as discussion on the financial impact a land acquisition strategy will have on local governments particularly policies on the Lake Okeechobee region.

Ms. Kelly Brooks-Hall for Dexter Lehtinen said Mr. Lehtinen would attend the following day.

Land Acquisition

Mr. Rick Smith presented the Working Group's proposed Land Acquisition Strategy. He noted there is an assumption that too much land is being acquired in Florida, which is not true. Publications market the environment and in Florida there has been an uphill battle to preserve the best of what is left. There are 34.7 million acres with 25% in conservation management according to the 2001 Florida Natural Areas Inventory (FNAI) Report. He provided a Power Point Presentation (Encl. 3) on the Land Acquisition Strategy, which was prepared in response to the GAO Report of April 2000. The purpose of the Strategy is to set forth the lands needed for entire restoration effort, not just CERP. It focuses on lands with a federal interest noting how the land would be acquired to meet the three goals. Lands needed, funding, timing, have been identified. Project profile sheets and maps were also provided. Future efforts include updating the Strategy on an annual basis.

Mr. Collins introduced Jack Moeller who said he shared Mr. Shore's concern about all the committees. The WRAC Sub-Committee on Lands reviewed the documents with stakeholders and other participants in an open session. He personally found the GAO report offensive adding that the state of Florida has one of the best land acquisition program in the nation. He reviewed the recommendations provided by the WRAC, some requiring changes in the law in order to be implemented. He addressed the need for large mitigation banks as well as a corridor of undeveloped lands, which would contribute to conservation. Mr. Collins thanked the WRAC for their quick turnaround and noted that a number of good recommendations have already been implemented in the intervening two months. Mr. Moeller asked what is being done for these folks being displaced from the working cattle ranches that will be demolished and he suggested this be addressed.

Mr. Salt provided an assessment of the WRAC recommendations and provided suggestions for Task Force response. In particular he noted WRAC recommendations 2, 10 and 16 were policy issues that needed additional discussion by the Task Force. With respect to the local government acquisition programs, it is the recommendation to not hold up approval of this document, but rather instruct the team to communicate with local entities to seek the information for a future edition of the document. Third recommendation on "less than fee" approaches, there are many approaches available, it was his suggestion that the WMD and

the Army, talk about the level needed. Pending discussion by the Task Force perhaps it is something that could be included in a future edition of the document.

Mr. Collins said there are two aspects of the “less than fee” issue: 1) GAO wanted a full picture of all the land acquisition efforts that contribute to the federal family’s goal and he noted lands acquired under flowage easements in the Kissimmee Basin have a serious contribution to their ability to manage these resources and protect both the federal and state areas; 2) “less than fee” acquisition programs that the state and federal government participate in need to be coordinated and effective. Mr. Dean said that as they go forward with the state and federal project, it is the Governing Board’s position to acquire only what is needed to make the project successful. He noted he has had experience in land acquisition in the past 23 years with both the Department of Natural Resources and at the St. John’s Water Management District and he has personally been involved in fee simple, flowage easement and conservation easements to meet the terms and conditions of federal-state projects. He went on to explain the difference with all three types of easements and added that there are significant issues as well as varying costs with each type. He said they should acquire land at the least possible cost, keep the land on the rolls as well as meet the project needs.

Mr. Stockdale added the Army favors embracing the concept of using the less than fee policy and strategy which allows them to better tailor their real estate interest to the actual need they are trying to fulfill. It also allows them to pursue acquisition on a least cost basis. It is important to realize that for a project like the Everglades they need to keep their eyes on changing circumstances. They have to be smart about using this tool in the short-run but also be “clairvoyant” and allow for flexibility later on. Ms. Klee, said from DOIs perspective, they see less than fee interests particularly conservation easements as an effective way to use limited amount of resources to achieve what needs to be achieved for CERP implementation and ecosystem restoration. She noted there might be other tools such as effective partnerships that could be used. Mr. Stockdale explained that he does not disfavor this but wants to make certain this gets them to where they want to go in the long-term. Ms. Klee said her initial reaction is to include the discussion in the report or there would be a noticeable gap. Mr. Stockdale agreed with including this in the report, which would prove positive. Mr. Moeller said it is a valuable tool when structured right. He added that he is still awaiting a response from Mr. Slack’s folks about how many acres of land it would take to return cattle ranches for panther habitat. Mr. Dean supported the inclusion of this topic in the Strategy.

Mayor Anthony recalled his opening comments about the importance of engaging local, county and regional governments. He commended the Working Group for a good report on Goals 1 and 2. He noted that Goal 3 similar to other reports has not dealt with local governments in the process. He challenged the Working Group to deal with the built and natural environment compatibility issues possibly with the help of WRAC. He suggested this Task Force start with a timeline or a process. A plan of action to deal with the most difficult tasks is needed. Mr. Salt agreed the team needs to look at the newly approved Goal 3 section and its land acquisition component. He cautioned, however, that the WRAC report started to get at local land use planning and permitting issues that go beyond the scope of what was asked for by GAO. Mayor Anthony clarified that he would not support any activity of this Task Force in local planning issues. He explained that he is proposing the identification of the local governments’ plans. At a minimum there needs to be a map identifying things such as uses and open lands that are available to get a handle of where the local entities are going. Ms. Klee said that the strategy should ensure the local government’s interest are included in the overall strategy and map to see those areas where there may be potential tension but also make sure everything is accounted. Mayor Anthony said it is important for the Corps and/or the WMD to have this type of information. He said he believed it would be valuable for this inventory to exist and would help guide Goal 3 efforts. Mike Collins announced the WMD is in the process of developing an interactive database that would be shared and keep everyone on the same page.

Ms. Pamela Mac’Kie appreciated the balance of having the information to know where the development pressures are in the counties. WMD is working hard to look at where the focus needs to be in the early acquisition process. Her staff worked with the Land Acquisition Team and provided the data for the project sheets since the SFWMD is the lead acquisition agency. She suggested the report would be more useful if current data were included and offered to update the data in the report. She reviewed the SFWMDs Land Acquisition Report (Encl. 4) and the acquisition trends over the past two years as well as what is proposed for 2003. Forty five percent of CERP lands have been acquired, these represent the easy

ones. Ms. Klee said the federal government has given the state more than \$13.8 million for 2002 and asked if there were funds still not spent. Ms. Mac'Kie explained that they have a \$4 million grant specifically for the 8.5 square mile area. Mr. Dean noted there is more federal money that is not yet encumbered and promised to provide that information.

Ms. Klee said it would be helpful to update the report with the latest data and suggested having an internal deadline of the end of the year. Mr. Barnett said some of the things that are being reported are for informational purposes. Ms. Klee said the federal government might have an interest in those projects from their own prioritization strategy as they decide how to use land and water conservation fund dollars and saw an advantage of sending both lists up to Congress. Mr. Barnett agreed but wanted to be cautious and not to cause "sticker shock". Mr. Stockdale commented that this discussion raises an issue and concern related to the purpose of the report. The purpose of the report is described in three sections (pages 2, 5, and 14) and each time the description is slightly different. He suggested that the purpose is to disclose information on the real estate needed to accomplish the restoration goals, identify a proposed strategy for fulfilling these requirements, recognizing this is a non-binding document, and promote coordinated action in accomplishing the land acquisition activities. He suggested having a crisp statement of the purpose of the report as well as making the distinction Ms. Klee and Mr. Barnett talked about.

Mr. Salt introduced item 16 dealing with the issue of payment in lieu of taxes. Mr. Dean said the Florida Legislature changed the CARL Law several years ago because of the large land-buying program that was taking private lands off the tax rolls and putting them into public ownership. When land comes off the tax roll in a small economically depressed rural county, the state pays the local government annually for 10 years to cover what would have been coming in from the property had it remained on the tax rolls. Rick Smith said this is why less than fee works because it avoids the need to make payments in lieu of taxes. Mr. Dean, explained a small portion of what is received in the Florida Forever Funding is earmarked to go to local governments. Mr. Anthony said one of the challenges faced around Lake Okeechobee when the state bought land within the municipality and now have a payment in lieu of taxes that has to go through the Legislature every session and it represents a significant amount of money. Rural counties would be significantly impacted and he hoped a strategy is developed. Mr. Barnett commended the WRAC's work and suggested it would be more appropriate to present some things to the Governing Board for discussion and the agencies that have the program, which in turn would be submitted to the Legislature. Mr. Collins said the Governing Board has actually taken up a number of the issues raised. The Committee will meet again in January and he would pass on these suggestions.

Ms. April Gromnicki (Audubon of Florida) gave kudos to the SFWMD who has acquired over 50% of the lands necessary for CERP. Another 7,000 acres acquired this month for the Indian River Lagoon project prior to Congressional authorization. The two biggest challenges ahead, the race against development and the need to fund expeditious land acquisition, are "punted" in this report. The agencies responsible for land acquisition as it seemed to her, included every member of the Task Force. She challenged the Task Force to rethink its scope in terms of land acquisition. Commitment and action will be needed from the Task Force and its individual members both for protecting the integrity of the CERP footprint and seeking and providing the funding necessary. She said she had heard the WMD would be facing a land acquisition-funding shortfall. Mr. Henry Dean responded that he was confident the contingency plan would provide sufficient funding to meet their needs in the coming year. He also introduced Pamela Brooks-Thomas, Governing Board member from Broward County. Mayor Anthony introduced Michael Jackson, former City Manager and now Broward County Service Center Director.

Mr. Fred Rapach (Working Group Member) reiterated Mayor Anthony's comments on including local land acquisition programs in the Strategy. He said he feels it is an important piece of the puzzle that should be included. It is not to say he wants the federal government to tell local government how to do their land acquisition, it is an issue of coordination and involvement.

Follow-up: The Task Force directed the Working Group to revise the proposed Land Acquisition Strategy by updating the data on the project sheets, including a discussion on "less than fee" acquisition and reconciling the purpose statements as suggested by Mr. Stockdale.

Science Coordination

Mr. Salt noted the two CROGEE Reports on Florida Bay and ASR (Enclosures 5 and 6) that had been provided electronically to the Task Force members. Ms. Klee noted that the WRDA 2000 directs the Army, Interior and the State of Florida to establish an independent scientific review panel, in consultation with the Task Force, to review progress towards achieving natural system restoration goals. It is an important component of the statute to ensure the goals are being achieved. The language says the review panel is to be convened by a body such as the National Academy of Sciences but does not require that the panel be convened by NAS nor does it specifically require that it be CROGEE, although it is an option. Ms. Klee said it would be helpful to hear the views of this group noting there have been some concerns raised about the quality of the products received from CROGEE. She added that outside review is absolutely critical to make sure decisions are based on the best available science. Mr. Collins agreed independent, objective review is needed but he had problems with both of the CROGEE reports. As to efficiency for example, peer review of the performance measures were needed by last March and “we” do not have these to date. The draft Keys Carrying Capacity Study peer review was excellent but cost \$250,000. The Florida Bay Report contained what seemed to be an endorsement of certain theories or agendas. Both papers were preceded by press releases twenty-four hours in advance, which he said was unacceptable because reporters would call to ask questions about a report he hadn’t seen. He asked to see a truly independent group put together from a pool of qualified people, selected at random. Mr. Barnett agreed with Mr. Collins’ comments and noted the WMD in working with Interior and others, developed some procedures. He suggested that a group of agencies certify those people who participate. Mr. Dean said he had no problem with science review, but did have a problem with scientists moving into the policy arena. Ms. Klee noted that with NAS, you get credibility and usually unapproachable science.

Mr. Stockdale said everyone was in favor of peer review, which was mandatory by Congress. Ms. Klee said the Task Force could use the NAS to convene a panel and ask them to simply prepare the Biennial Report and any additional project specific analysis would be negotiated, but the two would be de-linked. Rick Smith questioned how many new groups would be needed in light of all the cutting edge research going on right here. He suggested taking a hard look at what CROGEE has done and possibly combine the SCT and RECOVER. Ms. Klee explained that NAS does a good job of screening out any individual or entity that may have a conflict of interest. The problem with relying on the SCT or other group is that they are staffed by us. Ms. Hall asked about what other options are available. Ms. Klee said there are other groups, but they do not have the “blue chipness” that NAS has. Ms. Hall, questioned that if the Task Force was not happy with the NAS, why use them again. Mr. Stockdale suggested the process problems can be addressed with a proper contract and can be managed. The contract needs to spell out how the report is to be delivered, what it would look like, who would be briefed and when and when the public information release. Mr. Anthony said there does not need to be a change in the Legislation and NAS should do the report since they are recognized and respected. There are other entities that could be utilized in other areas. **Action: Task Force recommended the NAS be used to convene the group to prepare the Biennial Report to Congress as required by WRDA 2000, but for all other efforts, the Task Force and its members would have the flexibility to look at other options.**

Public Comment

John Ulman (Sierra Club) CROGEE is already analyzing this plan and they have developed an expertise. The Legislation is leading this in a certain direction and a certain type of quality. The Sierra Club believes CROGEE is that type of quality and there is no reason not to make them the official panel. If CROGEE were not the official panel, it would erode public confidence. He said he was disappointed by the State’s comments since it is in WRDA for a reason. As to the cost, no reason to want to have a cheaper panel since peer review is the most cost effective thing that could be invested in at this point. Sierra Club also believes the panel should not report to the Task Force or be paid by Interior but by another agency not tied to this process. Ms. Klee asked which agency, noting GAO has no funds. Mr. Smith clarified he did not mean to imply that the state does not support peer review, challenged anyone to find better ecologists than exist right here in Florida.

Ms. Judy Gray (Working Group Member, U.S. Dept. of Commerce) agreed peer review buys credibility and whoever does it should report to the Task Force. While there have been problems with the CROGEE,

it has been a successful experiment and the worst-case scenario of dueling committees has been avoided by using the CROGEE.

Avian Ecology Workshop

Ms. Klee presented a proposal for the Task Force to sponsor an Avian Ecology Workshop. She noted that as CERP is implemented, Interior would be faced with the challenge of implementing the Multi-Species Recovery Plan in a way that is consistent with CERP implementation. There have been concerns raised that Interior has taken a single species approach and this could complicate the restoration effort. She acknowledged that there are a number of legitimate issues and questions that need to be engaged. Under the auspices of the Task Force and building on the Sparrow Summit held several years ago, a group would be convened with a focus on the Sparrow and other avian indicator species. Mr. Salt would work with the Working Group to put together a proposal for a multi-day workshop. One day could be devoted to experts from around the country with an opportunity for the Task Force and the public to engage in discussion. It is hoped to have a white paper or report at the end of the process. She said it was her goal to have a better sense of those areas where there is agreement and disagreement as well as identify data gaps and recommendations to address those gaps. Mr. Collins said this was a great idea and asked for timelines or a process to be developed. Ms. Klee said that if this is successful then it could be done again with other species. She requested Task Force approval to proceed with the proposal. **Action: There were no objections to the proposal. Mr. Salt was tasked to work on a more detailed proposal. Recommendations for scientists that should be invited to participate should be forwarded to Mr. Salt.**

Water Flows

Mr. Craig Tepper provided a Power Point presentation (Encl. 7) and reviewed the history of the entitlement agreement between the Seminole Tribe and the SFWMD. It was signed in 1996 with the SFWMD and required the Tribe to measure water quality leaving the Reservation. It was also a way to incorporate tribal Everglades initiatives' with the Everglades Construction Project. USGS had the technology and capability to assist and a Tri-sovereign group was created to develop the protocols and sampling methods. Mitch Murray reviewed the technical aspects of using ultrasonic velocity meters to measure water flow. Mr. Ronnie Best commented that too often people are trying to resolve their differences and seldom have the opportunity to celebrate partnerships. He presented all three, Mr. Craig Tepper (Seminole Tribe of Florida), Mr. Tim Bechtel (SFWMD) and Mr. Mitch Murray (USGS) with a Science Achievement Award and said that is was his hope to see more partnerships in the future. Mr. Best recognized Mr. Aaron Higer who was also key in helping to start this process. Mr. Shore announced that NPR is scheduled to air Mike Phillips' segment on this particular project in the coming weeks.

Public Comment

April Gromnicki (Audubon of Florida) said she was concerned RECOVER was not receiving the resources it needs to accomplish its enormous workload. She invited everyone to attend Audubon's Annual Assembly next week in Orlando and encouraged public comment be incorporated into the program rather than scheduling it at the end of the meeting.

Museum of Discovery and Science

Mr. Salt noted the Task Force signed a partnership agreement with the museum three years ago in an effort to build a public-private partnership and provide public education for the work of the Task Force. Ms. Kim Cavendish said the goal through this partnership is to become a major provider of public education and outreach about the Florida environment and the Task Force's efforts to restore the greater Everglades' ecosystem. The First Phase, being unveiled this evening, includes the "Living in the Everglades" exhibit and is within the Museums' existing 9,000 square feet Ecoscapes Exhibit. Additional information available at: www.mods.org

Meeting adjourned at 5:35 PM.

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Welcome and Introductions

Ann Klee called the meeting to order at 8:40 AM. She welcomed the three Task Force members who joined the meeting.

*Les Brownlee, Under Secretary of the Army and Acting Assistant Secretary for Civil Works
Billy Causey for Sloan Rappoport, U.S. Department of Commerce
Jose Diaz, Commissioner, Miami Dade County
Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians*

Flood Control

COL May said he participated in a panel at the Annual Water Management Conference with Henry Dean and Commissioners Diaz. The theme of the panel was “partnerships in flood protection”, which he thought was an appropriate title to keep in mind throughout this session. He introduced Mr. Dennis Duke to present a summary of the Corps’ flood control policy and processes as a framework for the discussion. An outline of the framework he said would be useful. Mr. Duke reviewed the Corps’ mission to plan, design, build and operate water resource projects at the request of local sponsors. Projects must be justified based on benefits provided, can be multi-purpose and are dependent on local sponsors for implementation. Flooding in south Florida is caused by excess surface water resulting from rainfall, high groundwater levels and the interaction of both due to the shallow aquifer. Federal flood protection requires both authorization and appropriation by Congress. Both are needed, yet they are handled separately through separate Congressional Committees. The level of protection is determined after the analysis and the feasibility report evaluating alternatives is complete. Physical features such as the canals, feeder canals, water control structures and culverts are then designed and the operating criteria are developed. He emphasized that the federal government through the Corps and other agencies such as FEMA work to provide flood protection and relief as authorized by Congress. The Corps looks to the state and local governments to provide local drainage works as well as flood plain regulations and land use planning. Future initiatives include the C-4 Canal Evaluation, where the Corps is looking at the project as previously authorized and addressing those uncompleted portions. The Miami Dade Canal Flood Study is a new feasibility study of the primary canal system in Miami Dade County. The Corps is currently preparing a reconnaissance report to identify the scope and cost of the study.

Mr. Lehtinen asked whether the Corps is doing the Miami Dade Canal Study in response to the Senate resolution, which was broad. Mr. Duke said it is in response to a House Resolution and the Corps will be looking at the flood problems throughout the area and the specific scope will be identified. Mr. Lehtinen noted that flooding occurs in many areas, such as WCA 3-A, and urged the Corps to include flooding that occurs everywhere and consider flooding to environmental areas as well as occupied areas.

Commissioner Diaz introduced Mr. Roman Gastesi and Mr. Craig Smith. Mr. Gastesi provided a Power Point presentation and commended the Corps and SFWMD for their proactive approach over the last two summers. The WMD spent over \$40,000 to set up temporary pumps over the last few weeks, which fortunately were not needed. The WMD and the Corps have recognized the need to operate the system differently during the wet season. The district has already built one forward pump on the C - 4 canal and the pump for the C-6 is underway. The WMD has already started construction on an emergency detention basin at the western end of the canal that will make all the difference. The County Commission consistently expressed its commitment to Everglades restoration and has passed numerous resolutions. The Commission recognizes the importance of adaptive management and balance while implementing CERP. The County is currently embarking on a detailed planning study that includes all of South Dade from Tamiami Trail to Monroe County. It will be a landmark watershed plan that will utilize innovative land use tools in the final undeveloped frontier of south Miami Dade County to ensure successful implementation of CERP in that area. In October 1999, the County Commission put together a Flood Management Task

Force that analyzed the whole flood management system and recommended among other things the implementation of the C-111 and Modified Water Deliveries Projects. Mr. Gastesi provided aerial images of the flooding problem in Miami Dade County.

Greg Jeffries who represents the city of Sweetwater and several other communities reviewed the stormwater issues in those areas. He reviewed several storm events including the No Name Storm that have impacted Miami Dade County. He said that aggressive efforts are needed to prevent wholesale flooding and the systems need to be operated proactively. Flood waters have alarming disease potential, particularly the cryptosporidium organisms. Commissioner Diaz reported that studies are underway on an unknown bacteria that killed a woman. He noted that coliform levels during Hurricane Irene and the No Name Storm were higher than acceptable levels. Commissioner Diaz reviewed some of the losses experienced by the City of Sweetwater as a result of these storm events, which included two children who died due to electrocution.

COL May closed the presentation by summarizing that we need to maintain C-4 at or below elevation of 3 feet and install additional storm water outfalls into neighboring canals such as the C-6, C-2 and C-4 that will allow for expedited removal of potentially dangerous floodwater. He emphasized that we need to be able to move water out of these areas into the conveyance canals and the District needs to operate the system proactively. Mr. Dean said the C-4 emergency detention reservoir basin and the C-6, once completed would help significantly. Commissioner Diaz emphasized that 15 inches of rain is unmanageable and the canal levels have to be kept low enough.

Mr. Tom McVicar, Chair Miami Dade Flooding Task Force, summarized the unanimous recommendations of that group. The Task Force still meet every quarter. It finished its initial report after Hurricane Irene before the No Name Storm hit the county the next year. The 21 recommendations were ready to roll and it was amazing to see FEMA, the corps and district in action as they responded to the later storm. The Task Force recommended that the secondary system be rebuilt by 2005. That water will ultimately have to go to the primary system—including the C-4 canal that the Corps is reevaluating. He reported that the landowners in south Dade are very concerned with the Interim Operating Plan (IOP) for that area. The operating plan is an interim plan, but will not change significantly until the C-111 and Mod Waters projects are built—both projected to be far into the future. The IOP removed 4 miles of the L-67 extension levee, a modification that is important to Everglades restoration, but was to be last component built not the first. The early removal will increase flooding risks in South Dade County. The impoundments east of Everglades National Park are controversial—the original C-111 design satisfactorily addressed this issue, but IOP changed this. The C-111 buffer plan won't work the way the IOP proposes. The IOP seems to change the plan that has been approved and tested. Ann Klee remarked that the IOP protocol to adjust canal levels for storm events seems to be working. Mr. McVicar responded that we really haven't had a storm and repeated that IOP represents a significant design change that needs to be addressed. Ms. Klee asked Mr. McVicar to further describe his concerns. He responded that his primary concern is how long we will be in an "interim" mode. For example, he said that the IOP includes closure of the outlets from the C-111 impoundments to the west. For water managers, the only option left in the C-111 basin is to move the water south as the only out. In a big storm, this reduces the flood protection capacity because impoundments become stacked too high and cannot provide maximum capacity.

Commissioner Diaz explained that if a big storm system develops and the necessary steps are not taken to improve the capacity of the system, the water would have nowhere to go. He said he was troubled by the unofficial position of ENP but emphasized cooperation and continued dialogue to find common ground. Modified Water Deliveries Project, in its originally authorized form, needs to be built. Mr. Dean said Commissioner Diaz and Mr. Brownlee are to be commended in dealing with three storms in 13 months.

Mr. Lehtinen referred to the Short Summary handout (Encl. 8) prepared by Mr. McVicar. Graphs show that the water table trend shows a substantial increase from 1980 – 2000 and rainfall was not a factor. Page 8 summarizes the study done by the University of Florida in 1997, concluding flooding in agricultural areas has intensified in frequency, duration and depth and events have corresponded with the Experimental Water Deliveries iteration 6 & 7 and overall changes in the management of water. He said that many municipalities are springing up similar to Sweetwater in order to have greater attention given to their

problems. Municipalities are heard when they become incorporated. Pages 14 - 16 are there to remind everyone that flooding is not only in urban areas, natural areas are flooded too. He provided another handout entitled Putting People Last (Encl. 9) is a historical analysis of what happened at the G-211 structure. He said it was a blatant violation of the permit to maintain the levels above the levels authorized. He noted another handout entitled Flood Protection & Everglades Restudy (Encl. 10) relates directly to what was said by Mayor Diaz. CERP documents state that impacts of flood protection cannot be analyzed because the model is insufficient and he added that the SFWMM was not designed for flood studies. He said a better model needs to be developed. He referred to page 21, which has a map that shows Baptist Hospital and Sunset High School, with 4,000 kids, within areas that could potentially be flooded. He said that those persons living within these cells should be calling their public officials. He said that the question is, three years later, is there a better model or are people just hoping that this isn't going to happen. He said that it was his hope that the Congressional statute would read that D13 R 4 would not be implemented without Congressional approval. He said he did not know why it is even being modeled. Referring to the chamber resolutions, he said he hoped this would be the basis requiring that the appropriate model be developed. He was concerned that the Corps would not be able to do the flooding study because of the lack of time and resources. He concluded by saying that there is no sufficient model to analyze flood protection. There have to be other models and pay attention to the ones we have. He hoped that a neutral approach would be developed to protect everyone and get the water levels to the natural levels.

Mr. Dennis Duke reviewed the modeling used in the Restudy, which is constantly being updated as the Corps goes through the CERP process. The Restudy was based on the SFWMD's 2 x 2 model and was version 3.8. They are currently developing version 5.0 of that same model which has technical updates, extends the period of record of analysis from 31 to 36 years and incorporates new topographic data. The Initial CERP Update will be based on the information from the new model. The Corps uses many models and the technical team evaluates the situations to determine the appropriate model to be used. The SFWMD and the Corps are launching an Interagency Modeling Center that will be staffed from both agencies and include staff from other agencies as well. The Center will address the long term modeling needs as well as developing new models for the future. He clarified that much emphasis is placed on the models, but these are just one of the many tools used. With the Interim Operational Plan, they found that the models would only go so far and they were depending on real time operations to determine how to operate the system. Models are great predictive tools but practical experience is needed to operate the system.

Public Comment

John Adornato (National Parks Conservation Association) addressed water delivery operations noting they are in the 4th month of the IOP, the plan that is supposed to serve as a bridge to Modified Water Deliveries and C-111. NPCA is concerned that the project benefits are not being realized and there is no resolution to restoring flows to NE Shark River Slough because of the 8.5 square mile area. Critical habitat for the Sparrow has not been properly restored and WCA 3A continues to be flooded. Impoundments were designed and built to maintain the marsh driven criteria, yet NPCA is concerned that these reservoirs could be used to restore floodwaters that may contain harmful pollutants. He noted that the House of Representatives Appropriation Bill for FY2003 included a provision for ENP to provide a report on water quality impacts of IOP by September 2003. The amount of water that floods 3A cannot go to South Dade or the impoundments, since that volume cannot be handled. NE Shark River Slough could handle it but the alternative must be constructed. He said that NPCA did not want to see farmers out of business or folks in the cities flooded and are supportive of the Corps' review of the South Dade canal system and C-4 emergency impoundment system. He urged that "we" not look to CERP or other restoration projects as flood control solutions.

Commissioner Diaz asked about the status of 8.5 square mile area. Mr. Brownlee explained there is a court decision that indicates the authority does not exist to pursue the options that were under construction. There are measures within the Congress and Judicial system for clarification. Mr. Lehtinen said he understood that if Congress changes that, then it is changed, but noted his concern that the appeal can take a year or more. He asked about the status. Mr. Brownlee said they have filed an appeal. Mr. Stockdale responded that the Army is not pursuing any course of action other than to revisit the decision of the District Court through an appeal and to pursue Legislation in coordination with the Congress. The Army is

confident that there will be a full and satisfactory review. This issue involves the question of Congressional intent and what it was that Congress desired when it both authorized and funded this project. Mr. Lehtinen said the Corps wants to do this their way or do nothing for a year and a half while this goes through the Appellate Corps. Mr. Stockdale disagreed with Mr. Lehtinen's characterization and stated that the Army believed the plan was within the parameters of the Legislation and consistent with the input the Army received after involved consultations with the public. Ms. Klee said this difficult issue is being debated and unlikely it will be resolved here. Mr. Lehtinen urged the Corps to move ahead with the planning if Congress does not act by the end of the session. He was not suggesting that irreparable ditches be dug, but planning should continue. Mr. Brownlee said there is still a chance for Legislative relief. Commissioner Diaz asked what the Task Force could do as a group to move this along. Ms. Klee said that two members of this group are involved in litigation and this forum is limited. Mr. Collins said he understood that the ROD reflects a significant number of problems with the original 1992 plan, which makes it impossible for the WMD to move forward. Mr. Stockdale explained these decisions are made based on an administrative record taking many considerations into account. He acknowledged the 1992 plan had significant technical problems associated with it. Mr. Collins noted the significant difference is that 6D takes into account the addition of the C-111 Plan and CERP impacts. Mr. Stockdale said it takes into account changed circumstances and better information.

David Fredericks (Dade County Farm Bureau) promised to bring a picture of his grandfather after the 1926 hurricane to help put this into perspective. He shared good news, with new and better lines of communication being opened between the Dade County Farm Bureau, WMD and the COE. Positive conversations have been held, and although the differences are there he said he was hopeful this would lead to solid results in the future. He noted the recent rain experience with various parts of Dade County under 10 – 14 inches, but he was able to reach Mr. Dean and that water was dealt with within 12 hours time and a disaster was avoided. He voiced the Farm Bureau's support to those comments made by Commissioner Diaz and Mr. Lehtinen. He urged the people in the 8.5 square mile area not be "jerked around" anymore describing it as immoral.

Ingrid Anllo (T.G. Heads Homeowners Association) wanted to put a face to the ½ million people in Dade County. She echoed Mr. Lehtinen's comments and said she now finds water much closer to the surface. It would rain a lot with flooding limited to a few hours. She now finds water is standing longer. Although she has no statistics, she is sharing her personal observation.

Madeleine Fortin (8.5 square mile area resident) said that without a municipality and a strong mayor, you have no rights. The 8.5 square mile area was flooded for three months after Hurricane Irene and residents were told by emergency management officials to dig out their secondary drainage canals so that they could discharge their floodwaters in L-31. The SFWMD issued a cease and desist order and they were stopped. Every municipality received emergency permits except her community. The people in her community are just as deserving of the same consideration as the other tax paying citizens in the County. The flooding continued for so long that people were starting to kill their livestock because they had nowhere to put them. She said that she asked the WMD for a permit and was told she would never be granted a permit. She said the Corps' own Committee Chairman and Sub Committee Chairmen are not in favor of 6D, yet the Corps persists. She urged the Corps not to do the option that would cost the most, take the longest, cause the most disruption as well as build up public sentiment against protecting the environment. She provided a written statement (Encl. 11) summarizing the Congressional attempts to expand the Corps' authority.

Programmatic Regulations

Mr. Duke noted the public comment period closed on October 1 and those comments are being reviewed. The formal rulemaking process is underway and the next steps include obtaining OMB clearance and statements of concurrence or non-concurrence from the State and DOI. The regulations will then be published in the federal register and become a formal rule after 30-days. Ms. Klee asked whether they would seek concurrence before going to OMB. Mr. Duke explained they are working with OMB to incorporate any changes as well as working on the concurrence and seeking guidance from OMB on the interrelation of both. Commissioner Diaz asked about how the level of service matter is addressed, if they find that it is not good enough. Mr. Duke said WRDA has a provision intended to ensure that the CERP

does not reduce the level of service for flood protection. PDTs will be identifying the existing level of flood protection for a specific area that existed on December 11, 2000.

Ms. Patty Power stated the Seminole comments to the Corps on the regulations dealt with the process laid out for the PIRs. The Tribe is concerned with how the PIR would be changed if adaptive management reveals the components need to be reconfigured. Henry Dean said he supported the Seminole position. Mr. Barnett said he understood that a storage project might study ASR or wetlands or other storage alternatives and he said this was not the correct order of analysis as the alternatives have not been evaluated yet. Ms. Power said that there needs to be a policy decision that the recommendation be consistent with CERP goals. Mr. Brownlee added that the language proposed provides for a review and an evaluation. He added that he envisions that the sponsors would provide a presentation to the Task Force on what is going to move forward. Ms. Klee noted her concerns about the time and resources required to provide meaningful input.

Ms. Power said that for example, if CERP suggested a storage project but the alternative analysis says that a better result could be achieved through a marsh project, then the sponsors would present that information. Mr. Dean said he supported this and envisioned the sponsors would come forward with a presentation on the alternatives allowing the Task Force to provide general comments. He agreed that he was unsure about the timing of this Task Force level review. Mr. Brownlee said he shared Ms. Klee's concern and asked whether the Task Force would be willing to commit to the PIR review. Mr. Dean suggested that at the next meeting, a timeline could be presented with when Task Force comments would be needed before proceeding and said he liked the idea of Task Force buy-in before proceeding with the PIRs. Ms. Power said the goal was for a public discussion of the issues. Mr. Causey said the positive benefit would be for the public to engage and the negative benefit is that the process would be slowed down. Mr. Brownlee said that as long as he had anything to do with the Corps, the Corps would cooperate. Mr. Collins said he could support this if a guarantee is built in that the process will not be slowed down. Ms. Power said the objective is to save time over the long run. Mr. Lehtinen said he concurred with the Seminole Tribe.

Public Comment

Mary Munson (National Parks Conservation Association) said she was disappointed with the Programmatic Regulations. She warned that there will be other stakeholders looking to piggyback on other interests and the regulations need to be consistent with CERP. NPCA is looking at the programmatic regulations with the request that they achieve the overarching purpose of the plan. This is the only place we can define restoration. She is concerned that project needs have been left out and urged the Task Force to make sure concerns of environmental community are addressed. The Programmatic Regulations must define the interim goals.

April Gromnicki (Audubon of Florida) stated that strike-through underline comments have been submitted on the Programmatic Regulations. The regulations must define restoration as the ecological and hydrologic state that must be returned to. Everyone agrees that restoration is a priority so we must make that clear in the programmatic regulations. Audubon is concerned that the programmatic regulations are limited to the yellow book estimate of restoration but we cannot limit our expectations to the yellow book design as that would be contrary to the goals and purposes of restoration. The Indian River Lagoon is proof of what can be accomplished when the design is not limited to the conceptual design in the yellow book. She also pointed out that concurrence means concurrence, not "non-concurrence" and that definition should be corrected in the regulations.

Patrick Hayes (Loxahatchee River Coalition) Mr. Hayes said that Ernie Barnett had said that the Loxahatchee River would have more prominent position in CERP and that he would like to acknowledge the assistance he had received in this campaign from him, Rick Smith, and Col. May. He suggested that in the context of Henry Dean's presentation on land acquisition that it might be helpful to the Task Force if they received a presentation on the northeast everglades as a system. He is concerned about the environment getting fair treatment in the pre-CERP baseline when we haven't issued MFLs and reservations for the majority of the environment. He stated that Ken Ammon's original paper was incomplete, and that the most recent revision of the white paper on reservations introduced the PIR baseline, but that will not be completed for another 2 years.

Mr. Barnett thanked Mr. Hayes for his kind words, his diligence and help. The Loxahatchee is a testimony to what can be done as well as the value of the Task Force. Mr. Dean said he wanted to close the meeting by saying that they really just want to get water right, Mother Nature will help heal the system. He agreed if everyone did their best, the best would be achieved. Rick Smith added this has been the objective of the Governors Office since 1993. Mr. Les Brownlee said he appreciated the opportunity to participate in this Task Force. Ms. Klee announced the next meeting tentatively scheduled for December and instructed those wanting an item on the agenda to get the request in to Mr. Salt. Meeting adjourned at 12:30PM.

Enclosures:

1. Briefing Binder
 - a. Agenda
 - b. Draft Meeting Minutes, July 9, 2002
 - c. Draft Meeting Summary, August 23, 2002
 - d. Proposed Draft Land Acquisition Strategy
 - e. WRAC Comments and Recommendations
 - f. OED Staff Recommendations
 - g. WRDA 2000 Extract on Independent Science Review
 - h. Draft Avian Summit Proposal
 - i. Museum of Discovery and Science, Ribbon Cutting Ceremony
 - j. Draft Programmatic Regulations
 - k. Programmatic Regulations Power Point Slides from Sept. 2002 WG Mtg.
 - l. WRDA 1996
 - m. WRDA 2000
 - n. Task Force Roster
 - o. Working Group Charter
 - p. Working Group Roster
2. Seminole Tribe comments on Programmatic Regulations
3. Land Acquisition Power Point Presentation
4. SFWMD Land Acquisition Report (October, 2002)
5. CROGEE Report on Florida Bay
6. CROGEE Report on Aquifer Storage and Recovery
7. Interior Flows Success Story Power Point
8. A Short Summary of Water Management in South Miami-Dade County
9. Putting People Last (Dexter Lehtinen January 18, 2000)
10. Report by Dexter Lehtinen: Flood Protection and the Everglades Restudy (January 18, 2000)
11. 8.5 Square Mile Area: The Saga Continues
12. Coordinating Success: Biennial Report (August 2002)
 - a. Volume I
 - b. Volume II