

*Approved Minutes
South Florida Ecosystem Restoration
Task Force Meeting
July 30, 2003*

Administrative Announcements

Ms. Klee called the meeting to order at 8:45 AM. Mr. Mike Collins moved approval of the April minutes and Mr. Earl Stockdale seconded the motion. Minutes were approved as presented. The portion of the Task Force meeting on July 29, 2003 was conducted in a joint session with the Water Resources Advisory Commission, the advisory body to the Task Force. The minutes for the joint session were prepared by the WRAC and are attached. Mr. Dexter Lehtinen commented on the prior day's presentation on the Long Term Plan stating it is not unchallengeable. Ms. Klee asked whether he wanted an opportunity for rebuttal at the next meeting. Mr. Lehtinen asked whether this is something the Task Force would want to hear or was it sufficient for him to note that it would be challenged in another forum. Ms. Klee noted that she recognized that briefings are presented by one perspective, but there are other perspectives. She offered the Miccosukee Tribe an opportunity to make a briefing at the October meeting and Mr. Lehtinen agreed.

Ann Klee, Chair, U.S. Department of the Interior

Ernie Barnett for David Struhs, Vice-Chair, Secretary, Department of Environmental Protection

Henry Dean, Executive Director, South Florida Water Management District

Jose Diaz, Commissioner, Miami Dade County

Mack Gray, Deputy Undersecretary, U.S. Department of Agriculture

Richard Harvey for G. Tracy Mehan, Assistant Administrator U.S. Environmental Protection Agency

Tim Keeney, Deputy Assistant Secretary, U.S. Department of Commerce

Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians

Jim Murley for Clarence Anthony, Mayor, City of South Bay

Patty Power for 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

Whiparound

Mr. Tim Keeney announced the FKNMS has implemented a 60-day emergency closure on two small patch reefs off Key Largo prohibiting all entry into the reefs. Scientists and managers have observed a rapidly progressing coral disease called white band disease. It has been determined that the disease cannot be spread by human contact and access would be reopened on August 10th.

Mr. Mike Collins addressed the implication that there is an insincere effort going on. He stated that restoration is not as easy as it looks and noted the Miccosukee Tribe adopted a water quality standard of 10 ppb several years ago and asked how close they were to achieving it. Mr. Lehtinen said he has the report from Drs. Kadlec and Walker noting that the water quality in the Loxahatchee Refuge is worse now than when the Consent Decree was signed. Mr. Collins added it was an insult to say an effort is not being made. Mr. Lehtinen said he gave credit for performance and not effort.

Mr. Mack Gray reported on the Farm Bill's Environmental Quality Incentive Program, trying to provide technical assistance and cost sharing money to the dairies. \$3.6 million has been obligated in four areas in Florida to help eight dairies reduce their pollution.

Ms. Patty Power said the Seminole Tribe was glad to see the Task Force address some of the issues on the agenda and looked forward to the discussion.

Working Group Options

Ms. Klee said she hoped the discussion would result in the Task Force giving better direction to the Working Group (WG) and Science Coordination Team (SCT) to make sure they are fulfilling the

responsibilities of both entities. She encouraged participation, noting this would be an opportunity to be creative and open. She added that she did not expect to fully resolve these issues today and that discussions would continue throughout the year.

Mr. Rock Salt provided background for the Task Force (TF) discussion by noting that the GAO report on science led to a discussion at the previous meeting on how the Task Force (TF), WG and SCT are organized and functioning. The Chair asked the Executive Director to prepare a paper on different options for organizing the WG and Science Coordination entity. Mr. Salt noted the options paper in the Readahead packet as his response to the TF request.

Mr. Collins commented that as time has gone on, the WG has been doing things without being charged and the WG effort is often counter productive. He said whatever the WG does would need to be under the supervision and more closely tied to the TF. He emphasized that implementation will be difficult if everyone is not on the same page. Mr. Keeney said better coordination is needed and that he preferred option one. Ms. Klee agreed a closer relationship as well as joint meetings would be helpful. Dr. Gray said the WG needs to report to the Executive Director and it needs to be streamlined. He suggested having a retreat once a year to get on the same page. He noted the group would not be as productive with “40 people” sitting around the table. He said he also liked the idea of having outside folks around the table, even if at an ad hoc basis. In general, he said it is good to hear from the experts and academia. Commissioner Diaz said he agreed with Dr. Gray and the TF should provide clear and precise guidelines as well as deadlines for reporting back on the tasks. He also agreed streamlining the group may be useful.

Ms. Klee asked whether streamlining was reducing the membership or the issues being looked at. Commissioner Diaz said he was referring to both. Mr. Richard Harvey noted TF members are very busy and there isn't sufficient time “to say grace over every issue”. He also supported having an annual or bi-annual retreat, fewer meetings and supported a combination of options 1 and 2. He noted the WG Chair and Executive Director have always communicated well and the WG works best when it has specific issues to focus on.

Mr. Salt said the WG has recently adopted a more streamlined meeting schedule. Under the new schedule, the WG would attend the TF meetings and meet separately immediately after the TF. Ms. Klee agreed the WG should attend TF meetings and provide a status report. She added the work should dictate the number of meetings noting there would be times when the WG would not meet as often. Mr. Stockdale said the Army supports option 1 and 2 and a wanted to have a simple structure put in place where the WG is given clear projects with dates they are to report back. He said he did not know what the WG was working on. He agreed WG members should attend TF meetings and that would improve information sharing. He was not sure of joint retreats and suggested the TF revisit the WG Charter.

Mr. Dean said he provided a letter suggesting the WG meet in conjunction with the TF, either immediately before or after. He clarified he was not suggesting the two groups be merged. If a major issue arises, then the TF could assign a specific task with a deadline. He was also in favor of reducing the number of members on the WG.

Ms. Klee suggested that in lieu of a retreat, the TF and WG could meet jointly once a year. Dr. Gray was in favor of Ms. Klee's suggestion adding that more interaction is needed. Ms. Power agreed to a combination of option 1 and 2. She said there should be a “place based approach” for setting the agendas. She was also in favor of the agendas for both the TF and WG being developed in advance. She commented that the WG worked well early on with a smaller membership and specific tasks. Mr. Lehtinen said he did not want to discourage the WG from meeting more, if needed, to work through drafts of the biennial report, for example. Ms. Klee agreed the number of meetings should be driven by the work.

Ms. Klee also noted that other than the Biennial Report and the Cross Cut Budget she said she would rather preserve the group's flexibility to identify tasks at each of the TF meetings rather than have a long-standing list of obligations. She added this would eliminate the perception that the WG is independent from the TF. Commissioner Diaz agreed that task oriented procedures would work well. Ms. Klee recognized there is a need to prioritize what the WG can legitimately do. Mr. Lehtinen said he like the idea of the WG being

tasked, but asked that it be agreed to by the majority, similar to the way the Supreme Court prioritizes its work.

Ms. Klee said there has been a long standing and successful policy of consensus building in the TF and WG. Ms. Power said the guiding principle is flexibility as the effort moves from planning to implementation. Mr. Collins noted there are specific responsibilities that are required of the various agencies as they enter the implementation phase and he suggested the TF look at the charter and reduce the membership. Mr. Dean suggested the WG be comprised of by the same number of members as the TF, unless there are reasons why the WG has to be larger. Ms. Klee said it is statutorily driven which provides flexibility. **Follow-up: Mr. Salt was asked to develop a proposed Working Group Charter that reflected the consensus discussion of the Task Force.**

Science Coordination Team

Mr. Salt reviewed the five proposed options for a Science Coordination Group. Mr. Ronnie Best summarized the SCT recommendations and noted the team dedicated one meeting to discuss how best to coordinate science. The team strongly supports regular interaction with the TF with regular updates at TF meetings. The team supports the ability to present emerging ideas to the TF. He noted that everything is currently being done by volunteers and there is no support mechanism in place to follow up and make sure an issue moves forward. The SCT also recommends that members be appointed by the Task Force and that a position of Science Coordinator/Advisor similar to the Executive Director's be created. Ms. Klee asked whether Mr. Salt or his office could provide that function. Mr. Best said there needs an opportunity to present emerging ideas and he said it was his opinion that there needed to be a "separation of church and state". Ms. Klee clarified the Executive Director is a liaison and serves as a conduit not as a screen. Mr. Best said he had no problem with the mechanism as long as they had a voice on science at the table. The Task Force has the liberty to make ad hoc appointments that are consistent with the law.

Mr. Dean noted the suggestion in his letter that RECOVER serve all the necessary functions that are needed. If special assignments are needed from time to time, then a subgroup comprised of a team of experts could be established to work on a specific task with a specific time frame. Mr. Stockdale said it was important to revisit the TF expectations and was not sure he wanted to advocate its abolishment. He observed that the focus of RECOVER is CERP related and it would not be able to pick up this function. The TF has a statutory duty related to the coordination of science and a science coordination group may be a useful tool in helping the TF fulfill that duty. He said he saw the problem as a lack of specificity when it comes to expectations. He said the options paper lays out that those things the group is expected to fulfill. However, he disagreed with the proposed duty of "assisting peer review", which he stated was not a role envisioned in the statute. Coordinating science is a function of ensuring the information is readily available to those who need it. This added duty would create additional levels of peer review and/or uncertainty with regards to which group would speak with authority. He strongly recommended delineating the tasks and advocated moving away from the peer review function. Dr. Gray said the best science occurs when answering questions that need answering. He said someone is needed who would report to the TF that is responsible to coordinate the effort, and it did not have to be a scientist.

Mr. Best said the SCT members participate in RECOVER. The SCT facilitates external peer review but does not perform the peer review. The SCT originally was created to allow the resource managers to sit at the table and was not intended for just the scientists. Mr. Keeney said it was important for the science folks to work closely with the managers and he agreed the team should not be dissolved. Mr. Collins said peer review on the science is fine but not peer review of the decisions made that are based on a wide variety of things such as funding constraints and political realities. SCT needs to be coordinating science for those things the Task Force is working on not things that the SCT thinks they should be doing.

Ms. Klee proposed the science group be elevated parallel to the WG. The Science Coordination Group would take direction from the TF and respond directly to the TF similar to the WG. The group should help the TF make sure the decision makers are getting the science they need to make their decisions and helping them make a Science Plan. The science group should have key decision makers as its members. The Science Plan should include the research that all Task Force members are conducting so efforts aren't being duplicated and the highest priority research needs are met.

Mr. Dean said he would support the concept, which would provide responsiveness and accountability. Dr. Gray also concurred. Ms. Power agreed the accountability issue is important. Congress is clear on what they want to see and this proposal would go a long way to address Congressional concerns and the Seminole Tribe would support this. Mr. Keeney said Commerce supports. Mr. Stockdale said the Army supports this as well. Ms. Klee stressed this is not a review committee it is a coordinating committee to make sure the gaps are being filled. Commissioner Diaz asked whether there was a list of current ongoing science projects to determine if there was redundancy. Mr. Best said that was done three years ago. SCT has already decided this is something they should be doing.

Public Comment on Science Plan

Bob Doren said the team could be used to track ongoing projects to include who has the lead, how much is being spent, etc. Team could give advice of errors in omission. A Science Advisor would for example take the Florida Bay Report and say why this is good or bad, or why one should be chosen over the other. Knowing, tracking and reporting directly to the TF, understanding how to resolve issues.

Mr. John Arthur Marshall (Arthur Marshall Organization) said he was pleased to see the direction the discussion was going. The SCT offers the most opportunity for public involvement. He reviewed the two recommendations in his two-page report (Enclosure 2) with regards to streamlining and consolidating meetings and convening a public workshop on an ASR Contingency Plan.

Ms. April Gromnicki (Audubon of Florida) said that better science is needed and suggested the line be kept drawn with regards to what RECOVER will do since it is CERP specific.

Ms. Debra Brosnan (Sustainable Ecosystems Inc.) said she heard some good discussion and added that interface with the TF is a key role. She said the title is unimportant, but she believes the TF needs a dedicated person to be its ears and its voice and it should be a scientist who understands what it is that managers are doing.

Mr. Collins said there is a press perception that the agencies are against science.

Follow-up: Ms. Klee asked Mr. Salt to work with the SCT and other TF representatives to draft the charter and circulate it to the members in advance of the October meeting when it would be scheduled for discussion.

CSOP Charter

Mr. Salt reviewed the revised charter, which includes a proposed slate of members. He noted the key change was made in response to comments from environmentalists regarding the voting protocols. He noted that the charter was modeled on the first Governor's Commission and that Ms. Carol Rist is willing to serve as Chair. Ms. Klee asked about the Governor's Commission voting procedures. Mr. Salt explained it was done by a grading system and the process was designed to seek consensus. The "two-thirds" final vote was taken at the end of the process. Mr. Collins noted the Governor's Commission did not have a vote for the first two years since people were not yet up to speed. Mr. Lehtinen asked what this had to do with the Task Force and suggested adding homeowners. Ms. Klee clarified that the TF has a role in facilitating and the CSOP Team should not take a position unless it is by consensus. She clarified it would provide a different perspective, similar to issue teams and provide input to the WMD and Corps. Mr. Lehtinen said he would vote in favor if they had a role. Ms. Klee said it is obvious the TF would want some role, and has a statutory responsibility to assist its member agencies work through difficult issues. Mr. Lehtinen said he was not sure the team should make policy recommendations and was unclear as to how the membership was developed. Ms. Klee explained this would be an advisory group with membership that goes beyond those sitting around this table. Mr. Lehtinen asked for the addition of three property owners, two from the property owners association of the 8.5 and one living in or about. Mr. Lehtinen suggested Madeleine Fortin and Alice Pena. Mr. Stockdale said the Army does not object to landowners being added. Dr. Gray asked whether the people that come in through this process should be given more weight than an individual. Mr. Stockdale said he saw this as another opportunity to solicit information and would serve to complement the Corps NEPA process.

Mr. John Adornato (National Parks Conservation Association) said many environmental groups do want the projects to move forward and this would be part of the solution. He urged the Corps and Interior to ensure the purposes and objectives statement is accurate. He reviewed those concerns as noted in the letter (Enclosure 3) provided to the Task Force. The proposed CSOP team should not be voting or making policy decisions but recommendations. Ms. Klee clarified that a vote did not mean input on policy, but brings something to closure. As long as you have dissenting views reflected to the TF, it should not be an issue. Mr. Stockdale said they need a mechanism to get things to the TF. He wanted a process to bring things to the TF even if there is no consensus. Ms. Klee said the group is encouraged to reach consensus, but there needs to be the ability to get the recommendation to the TF in some other way as long as the dissenting views are presented. Mr. Lehtinen asked whether it was fair to say that nothing this group does will have any effect until the TF decides. Ms. Klee said that was her expectation.

Tenth Anniversary Celebration

Mr. Rock Salt referred the group to the status paper in the read ahead and stated that interviews of TF members should begin in October.

Public Comment

Ms. Brenda Chalifour (Save Our Shoreline, Inc.) stated she was directing her comments at DEP, not present at this meeting. She said she believed some things could be done better. "Reefs in Broward County are dying on your watch and at some of your hands". She added there was a wide divide between the work of the agencies saving the reefs and DEP and the Corps. She provided examples of those things damaging the reefs such as the fiber optic cables, City of Hollywood outfall pipe, and the "death delivering dredge and fill project". She encouraged the Task Force members talk to each other and save the reefs now before its too late.

Mr. Joe Walsh said he endorsed the concept of reducing the number of WG meetings as well as having the WG meet jointly with the TF. He reminded everyone that when he arrived at his agency the "word on the street" was that the National Park Service was not happy with the yellow book. He encouraged the opportunity for non-consensus items to be heard by the planning teams.

Ms. April Gromnicki said that the Congress is in the middle of appropriations process and there could be some repercussions as a result of the recent state legislation. Construction funding has stalled because of no "new start money" and "we" are now three years behind on ASR. She added she is still looking for the ASR contingency plan that was promised almost a year ago.

Ms. Madeleine Fortin (8.5 square mile area resident) was thankful for the opportunity to have stakeholder involvement in CSOP, allowing people to come to the table. She informed the members that a technical journal in Italy has published a paper describing the Modified Water Deliveries project as the "project from hell". She noted that public meetings are needed since people have many questions regarding the relocation letter and which properties would be affected.

Mr. Patrick Hayes (Loxahatchee Coalition) said that water is a fundamental tool for restoration. He noted Mr. Ammons' presentation the prior day during the joint meeting and commented and commented that excluding the "natural systems" (i.e., sloughs, rivers, lakes and estuaries) as "existing legal users" seems inappropriate as they are considered "existing legal sources." He said he sees a conflict between "existing legal users" and "existing legal sources" and is in his opinion a flawed concept. Water reservation is the key tool to assure a vital natural system.

Mr. Lehtinen commented that the Army's solicitation letter for the 8.5 square mile area was an unfair representation. Mr. Stockdale reported the Army would make some clarifications. The letter was designed to fulfill a narrow purpose to satisfy a requirement that the Army must provide the landowners with a statement of fair market value and was designed only to do that. They are going to make clear that as a homeowner, they are also entitled to other benefits under the Uniform Relocation Assistance Act and new benefits under the recent legislation. Mr. Salt noted two bound versions of the CROGEE reports have been provided. Meeting adjourned at 12:45 PM.

**Joint Meeting With The South Florida Ecosystem Restoration Task Force
July 29, 2003**

Presentation:
AVIAN Ecology Workshop.

Recess for Lunch -- Reconvene Meeting at 2:30 p.m.

Task Force Attendees:

Welcome and Administrative Announcements from Mike Collins, Chairman of WRAC and Ann Klee, Chairwoman of the SFERTF.

WRAC Update by Chairman Collins.

He announced that WRAC member, Stuart Strahl, (President of Audubon) is attending his last meeting today and praised him for his environmental work and wished him well on his new position in Chicago.

Chairman Collins reported on the activities of several Issue Workshops that have been held by the WRAC.

1. CERP/Consumptive Use Permitting Rules;
2. CERP Recreational Master Plan (There is tremendous concern about the CERP recreational lands by the public.)
3. The Long Term Conceptual Plan;
4. Upper East Coast Regional Water Supply Plan.

SFERTF Update by Chairwoman Klee.

Ms. Klee welcomed everyone to the meeting.

Joint Whiparound – Introductory period to allow each member to inform the group of key items or raise potential issues.

Each Water Resource Advisory Commission and South Florida Ecosystem Restoration member introduced themselves, stated who they represented, and made comments on issues of concern to them and their group.

CERP Update

The U. S. Army Corps of Engineers (Corps) and the Water Management District (WMD) provided an update on CERP projects and programs, including an update on Programmatic Regulations, CERP performance measures and adaptive management program and Water Reservations.

Colonel Greg May spoke eloquently on the Comprehensive Everglades Restoration Project. He is leaving his position, and expressed his appreciation for working with everyone.

Henry Dean spoke on the CERP updates that will be provided today to the attendees. He introduced John Ogden.

CERP Adaptive Management Program by John Ogden, Chief Scientist, Office of RECOVER at SFWMD. Mr. Ogden said this is a joint presentation with assistance from Stuart Strahl on the information presented today.

The District is turning its fulltime focus to developing adaptive protocols. They are very close to finalizing a document for distribution in September of all the accrued CERP performance measures.

The adaptive management program applies to several things, and one is the scientific methods to complex resource management challenges with the objective of designing robust policies for dealing with uncertainty and surprise inherent in such context. Key elements of adaptive management were explained. There are important links in the development of the CERP adaptive management program.

The performance measures and key criteria for selection of system-wide performance measures were shown. When the document is released, WRAC members need to review the practical considerations.

The performance measures identify an element to be measured; the appropriate parameter; and the restoration endpoint. The purpose of a performance measure documentation report (expected to be released in September) was explained.

A list of the major goals for upcoming workshops was listed. The goals of the 2nd CERP Adaptive Management Workshop will be held on October 22-23, 2003.

Water Resource Protection Strategies for Implementation of CERP Under Federal and State Law was presented by Ken Ammon, Director, Water Supply Department, SFWMD.

A summary of the White Paper was provided. The interagency and public involvement was explained. The Federal and State assurances are to "Identify and Protect the Regional Water Supply Pie". Information on the Federal and State CERP Assurances was given.

Tools 1-6 were shown which provided a list of the water resource protection strategies. Tools are:

1. Pre-CERP Baseline (WRDA 2000 Requirement);
2. Existing Condition PIR Baseline (WRDA, Section 373.1501);
3. PIR Tentatively Selected Plan;
4. CERP Reservations (WRDA 2000, Section 373.1501);
5. Initial Reservation (2005); and
6. Regional Water Availability (2005).

Information on the State water resource protection strategies was provided.

Chairman Collins said this document will be changing of the years. A questions and answered session followed the presentation.

Long Term Plan for Stormwater Treatment Area (STA) Improvements.

The WMD provided a presentation on the Long Term Plan, followed by a WRAC presentation of potential issues and opportunities.

- Conceptual Plan for Achieving Long Term Goals presentation by Gary Goforth, Chief Consulting Engineer, Water Resources Management, SFWMD.

Dr. Goforth presented information on achieving Everglades Water Quality. The progress to date on implemented EAA BMPs was shown. The basin-specific feasibility studies evaluated combination of BMPs, regional treatment works, and integration with CERP. Scientific uncertainties remain. It is important to note that by December 2006, models suggest the possibility to achieve goals of 80-90% of discharges.

The conceptual plan is to achieve compliance with water quality standards.

Galen Miller, with Burns and McDonald, continued the presentation and provided the major technical components of the plan. The conceptual plan addresses 13 basins and there are two primary basins. The

plan has taken approximately four years to develop. The principal conclusion and overall strategy was reviewed. He said the basic precepts of substantive scientific uncertainties impede further progress. The three principals plan components are to (1) pre-2006 projects; (2) process development and engineering and (3) post 2006 strategy; and information on each of the strategies was presented.

The projected costs of the project were listed.

Dr. Goforth resumed his presentation. The next steps for the plan were shown. The plan has been under review for greater than 120 days. A draft revised plan has had public review. District staff will present the revised plan to SFWMD Governing Board in November as basis for long term permit application. It is hoped the plan will be final in December 2003.

A question and answer session was held on this presentation. Several stakeholders provided comments and expressed their concerns. Dr. Goforth said the District welcomes all comments from the stakeholders and he asked them to be submitted to him in writing. Discussion on issues ranging from the 2006 deadline, costs, purchasing land, agreements with the presentation, disagreements with statements in the presentation, etc.

Chairman Collins commended District staff and Galen Miller for the outstanding job they have done over the past 10 years.

Public Comment:

Brenda Lee Chalifour, representing the Save Our Shoreline, Inc., said "He was right".

David Bogardus, World Wildlife Fund, Hollywood, Florida, spoke on Programmatic Regulations in the CERP. Priorities must be given to the ecology restoration, a leadership role, etc.

Larry Fahn, representing the Sierra Club as President, San Francisco, California. He said he came all the way from California to address this group to let everyone know how important the restoration of the Everglades is to the Sierra Club. This is such an important resource. He said there are some good things and some bad things about CERP. He said that permitting of land that is needed for restoration is being given away by the Governing Board. Rock mining is destroying the area. Science must be the foundation of all the work on the Everglades restoration.

Adjournment:

Meeting adjourned at 6:10 p.m.

Enclosures:

1. Briefing Binder
 - a. Agenda
 - b. Draft Meeting Minutes, April 2003
 - c. Proposed Calendar
 - d. Avian Ecology Workshop, Scientific Panel Report and correction of facts
 - e. Memorandum and Proposed discussion questions
 - f. CERP Adaptive Management Program Presentation
 - g. WRAC Commission Members and Alternates
 - h. Options Paper for Working Group and Science Coordination
 - i. SFWMD Letter (dated July 23, 2003)
 - j. WRDA 96
 - k. Working Group Charter
 - l. SCT Recommendations
 - m. SCT Charter
 - n. SCT Roster
 - o. DRAFT CSOP Charter
 - p. 10th Anniversary Proposal
 - q. Task Force Roster

- r. Working Group Roster
 - s. CROGEE Report: Adaptive Monitoring and Assessment
 - t. CROGEE Report: Florida Bay Research Programs
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- 2. Arthur R. Marshall Letter
 - 3. Letter from environmentalists re: CSOP Advisory Team
 - 4. Audubon of Florida Everglades Report
 - 5. Florida's Agricultural Water Policy
 - 6. GEER Program and Abstracts (April 2003)