

*Approved Minutes
South Florida Ecosystem Restoration
Task Force Meeting
October 15, 2003*

Welcome and Introductions

Ms. Ann Klee introduced Greg May as the new Director of the Task Force and noted that Rock Salt is now the Senior Policy Advisor to the Secretary of the Interior. The July minutes were accepted with the edits submitted by Mr. Patrick Hayes.

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

Henry Dean, Executive Director, South Florida Water Management District

Jose Diaz, Commissioner, Miami Dade County

George Dunlop for John Paul Woodley, Jr. Assistant Secretary of the Army

Andrew Emrich, Counselor to the Assistant Attorney General, U.S. Department of Justice

James D. Giattina, Director, Water Management Division, U.S. Environmental Protection Agency

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

Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians

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

Patty Power for Jim Shore, Chairman, Seminole Tribe of Florida

Rick Smith for Denver Stutler, Executive Office of the Governor

David Struhs, Vice-Chair, Secretary, Department of Environmental Protection

Michael Collins, Chair, Water Resources Advisory Commission, Task Force Advisory Body

Greg May, Director, South Florida Ecosystem Restoration Task Force

Whiparound

Mr. Henry Dean announced the ground breaking ceremony for Southern Golden Gate Estates. He thanked DEP and USACE for quickly resolving permit issues. Governor Bush will give keynote address. He thanked Mr. Greg May for his service as District Engineer. Mr. Dean recognized Acting Superintendent John Benjamin, ENP, and COL Robert Carpenter, Jacksonville District, and commended their ability to master the learning curve required to work on Everglades issues.

Mr. Mack Gray announced a final accounting of USDA/NRCS resources expended in South Florida. Over \$10 million has been spent for wetland conservation through the Wetland Reserve Program. \$2.5 million has been spent for restoration alone and another \$8.2 million for easements. He reported that the appropriations pending in Congress contain more money for these programs next year. The Environmental Quality Incentive Program has budgeted \$4.2 million. This program helps farmers to carry out conservation practices on their land. These programs are important resources for water quality and agriculture. He also announced a successful Agro-Ecology Conference held at Ft. Pierce following the last Task Force meeting. The conference addressed how agriculture can remain viable and participate in the ecosystem restoration effort.

Mr. Mike Collins reported that the WRAC met most of the summer in break out sessions. The full WRAC will meet the first week of November and will receive final recommendations for the Master Recreation Plan and draft recommendations for the Long-Term Plan for Achieving Water Quality. Mr. Collins noted a surprising consensus regarding the public process while the group continues to work the issues. The majority of the sub-group agrees that this is a prudent and reasonable way to proceed. The WRAC sub-group is working on a policy statement on consumptive use permitting and CERP interface, which should be done by the end of the year. At the request of the Governing Board, the WRAC is also working on language to address issues raised in the Council of 100's Report, "Improving Florida's Water Supply Management Structure: Ensuring and Sustaining Environmentally Sound Water Supplies and Resources to Meet Current and Future Needs."

Mr. Jim Giattina of EPA Region IV Water Management Division said he had no issues at this time.

Mr. Ernie Barnett for Secretary Struhs reported that last Friday, the state conveyed the final tracts held by the Board of Trustees to Everglades National park. These 329 acres represent the last piece of the 42,000 acres donated by the state to ENP for the East Everglades expansion. The Southern Golden Gate Estates groundbreaking the following day represents another great partnership between the state and the federal government. The state received \$38 million from DOI for this acquisition. Two acres remain from the original 19,000 acres needed for acquisition. Another state/federal partnership is the newly launched Everglades Radio Network. This low frequency radio represents a partnership with the tribes, local government, the state and federal government to describe Everglades Restoration and what it means for Florida and the nation. Secretary Struhs would join the meeting later in the day.

Mr. Andrew Emrich congratulated Mr. Salt and welcomed Mr. May.

Commissioner Jose Diaz expressed his appreciation to the SFWMD during the recent hurricane scares. He added he was thankful for the good luck in avoiding the storms. He said he is committed to working towards moving CSOP forward. He announced Miami-Dade County is hosting the FTAA Ministerial Conference November 17 – 22, 2003 with the potential to create 90,000 new jobs.

Ms. Patty Powers reported the first phase of the Seminole Tribe's critical project in the Big Cypress is complete and the second phase is 60% is complete.

Mr. Rick Smith reported that Denver Stutler is working on special legislative session scheduled to begin on October 20th.

Mr. George Dunlap stated that he is representing the new Assistant Secretary of Civil Works, John Paul Woodley, Jr. OMB completed their review of the Programmatic Regulations on October 9. The Army will reformat the regulations for publishing and is preparing concurrence documents for DEP and DOI. The goal is to publish the regulations within the next 10 days. The regulations will take effect 30 days after publication. The land acquisition process for 8.5 SMA moving forward on a four-prong approach: 1) letters have been sent to the residents in the acquisition area; 2) a public meeting was held with over 100 people attending; 3) personal consultation with each affected owner will take place to explain fair market value, the relocation program and the 8.5 SMA area comparable housing clause in the omnibus bill; and 4) relocations will occur in phases to support the projects construction schedule.

Mr. Peter Ortner representing Mr. Tim Kinney said he had no specific comments, but shared the sentiments expressed regarding Mr. Salt and Mr. May.

Ms. Klee congratulated the state on Southern Golden Gate Estates and looks forward to continued progress.

Report from the Working Group Chair

Mr. Rick Smith stated that they have understated Mr. Salt's contributions to the Task Force and Everglades restoration. He is a great resource and has tremendous institutional memory. He announced that the mini Working Group meeting scheduled after this Task Force meeting would be his last as Chair. He will be working as the WRAC Coordinator for the SFWMD. The Vice Chair, Mr. Jay Slack, will be the new Chair. He reported the Working Group approved the draft charter for submission to the Task Force and summarized key points. A second reading of the Land Acquisition Strategy is scheduled for this evening. The Working Group will have a conference call in November and plans to submit the final text for acceptance at the December Task Force meeting. The Working Group has also approved the draft CSOP Advisory Team charter for submission to the Task Force. The group has been researching the Giant Reed (*Arundo donax*) and the process for listing on the state invasive species list. The Integrated Financial Plan has been updated and all project sheets are updated and the group is also working to update the Strategic Plan. Mr. Slack said he looked forward to serving as Chair of the Working Group.

Report from the Science Coordination Team Chair

Mr. Ronnie Best presented highlights from last couple of years: 1) 2001-2002 Everglades Science Conference, two have been held to date and last year's meeting was very successful; 2) integration with the

Florida Bay group; 3) Peter Ortner facilitated coordination and communication with CROGEE; and 4) the Flow Paper is being integrated into CERP planning and design. He noted that the SCT has fallen short on the issue of water quality. Mr. Nick Aumen led this effort but was diverted to author the Flow Paper. The team needs to review science plans submitted by the regional groups. The SCT has reviewed the Estero Bay science plan and will forward it to the Working Group. Priority list for future actions: 1) Develop a Science Plan and 2) Identify and fill gaps. He recommended that the Science and Coordination Group include members from both FWS and refuges to ensure no duplication of effort. Mr. Ortner had also asked for a change in membership that was not reflected in the draft charter.

Working Group and Science Coordination Group Charters

Mr. Greg May said that three themes provided by the Task Force at their July meeting guided the development of the draft charters: 1) making the most of the limited resources that the members have to devote to the process; 2) ensuring a stronger linkage to the Task Force; and 3) streamlining the membership. The draft charters go a long way to addressing the Task Force's intent and guidance.

The Working Group Charter was discussed first. Mr. Rock Salt prepared the draft charter as directed by the Task Force. Mr. Greg May said that the draft doesn't make significant changes from the original charter. It does reduce standing duties and streamlines the membership. The Task Force would appoint the Chair and the Vice Chair. Paragraph 3-A-3 addresses public outreach and the Working Group discussed two approaches: 1. a strategy for public outreach versus coordination of agency outreach. In keeping with the Task Force intent to make the most of limited resources, his recommendation would favor the coordination approach and he encouraged Task Force discussion on this issue. Mr. Collins asked what the Task Force wanted to achieve with the Working Group doing outreach. Mr. May said that he believed that there was consensus that the Task Force should be aware of the outreach efforts of member agencies and identify gaps and duplication.

Ms. Klee presented a list of issues with the draft. She stated that it a good first cut and that some issues, like streamlining membership, have been addressed. Other issues have not been addressed, such as, what can legitimately be accomplished and what issues get the biggest bang for the buck. It doesn't identify what needs to be done. Currently we have a big laundry list. For example, the Annual report to the Task Force may not be a good assignment for Working Group as the Task Force already receives biennial report. She suggested going through the list and developing the top three. She asked the group to look at paragraph 4 a. and its powers to establish advisory bodies. She said that the Working Group cannot be granted independent authority to establish advisory bodies without consultation with the Task Force. Regarding public outreach, the Task Force could assist in coordinating those activities.

Mr. George Dunlap concurred with the need for strict accountability to the Task Force. The group could approach this by understanding the underlining authority that authorized the Working Group. WRDA 2000 further instructed the activities of the Working Group and this language needs to be part of the authority. This will provide maximum clarity of authority. He suggested that perhaps there is a need to look at the charter for the Task Force and consider updating that document as well.

Mr. Collins agreed with the Chair on both issues. Paragraph 4 troubles him. Establishing an advisory group is inappropriate, direction should come from the Task Force. He suggested that they substitute with a sentence that says that the Working Group needs to come back to Task Force with a request for a charge, delete the words "as it deems necessary" because the draft captures the need for input under Section 6.

Mr. May said that intent of the duties section was to make clear the distinction between mandatory duties and discretionary duties. The annual plan, for example, is not statutory, but could help the Task Force prepare for the biennial plan which is statutory. As to the scope of the discretionary duties, the Working Group needs to get specific guidance from the Task Force. Ms. Klee said as she read this, the Working Group is required by statute to work on the Biennial Report, the Integrated Financial Plan (IFP) and the Coordinated Budget Request. Ms. Klee said she wondered if anyone uses it. Mr. Salt said that the GAO has asked for a list of projects and the IFP fills this function. The Working Group asked that the Task Force accept the practice of this document becoming part of the biennial report. Mr. Collins said that initially the IFP was more useful than it is now. He recommended preserving paragraph e or f rather than

collapsing paragraph 3 and 4. Commissioner Diaz asked if there was a timeframe for accountability on these projects. Mr. May said the schedule for the Biennial Report was set by Congress. Mr. Collins suggested that while they were there, a small group could work through these issues during the lunch break rather than giving this back to the WG and then back to the TF in December. There was unanimous acceptance of this suggestion.

Mr. Jim Giattina asked where this left the Integrated Financial Plan as it seemed like an important document. It is a statutory requirement and whether the agencies are using this or not, perhaps this should be used to better target resources. Mr. Salt explained the Cross Cut Budget is a function the Office of the Executive Director who was instructed to get with the Governor's office, the SFWMD and the federal agencies to produce this report. However, this document is not the IFP, which is now an appendix of the Strategic Plan. Ms. Power said she did not want to address the charter every year, so she did not want really specific direction and while they support streamlining, she questioned how were those decisions were made. For example, BIA is no longer on the membership list. Mr. Salt responded that the decision was made in consultation with BIA and it was an economy/value added issue. Mr. Ortnier said the only issue he had was with representation since it has been their practice to have regional representation and NOAA is committed to the right level of representation. He also commented that the Working Group is to meet four times a year and he thinks the most important function of the Working Group is in paragraph e of the duties section and it is important to be able to bring issues to the Task Force.

Mr. Emrich thanked the Working Group for putting this together. In regards to membership he had four issues: 1) section 5a states "a senior representative from the following agencies"; then 5d gives the agency blanket authority to appoint whomever they want. He suggested perhaps striking the word "senior". He noted that when adding up the members, there are 10 federal members, 2 tribes and 11 combined members representing the state/local government. One member listed in Section 5a is the Chair of the SCT, he said this seemed like a separate function from the WG and he could not understand why this person gets a seat on the WG. Mr. May said this was done to insure that coordination would occur between the WG and SCT. Mr. Emrich responded the charter needs to address whether this person would have a vote as well as the other representatives as required in section 5c. Mr. May asked whether it would be acceptable if the appointee were a non-voting member. Mr. Collins said that at the last Working Group meeting, several members representing local government asked for representation so it is timely to address this. Rick Smith said the charter needs to address the parity issue.

Mr. Salt noted there was only one time when an issue came before the Task Force without Working Group consensus and that dealt with the CROGEE. The Task Force can best be served with a consensus Working Group position. Mr. Smith asked whether they should designate that the SCT representative be a federal representative as this would address parity issue. Ms. Klee responded that the SCT representative should be non-voting member.

The Science Coordination Group Charter was discussed next. Mr. May stated that there were significant changes in this charter. Most noticeably the charter elevates the Science Coordination Group to work directly for the Task Force. This compliments the findings of the GAO report recommending a closer link between the Task Force and the Science Coordination Team. The membership of the group includes scientists and managers to improve coordination between the two functions. As with the Working Group the Task Force would select the chair and vice chair.

To streamline the duties Mr. May suggested changes to paragraph 3. In general the Task Force would provide specific annual priorities for the Science Coordination Group. Ms. Klee said that the list is too long and they did not have time to do it all. Mr. Best's summary addressed what the SCT has done in the past. For future activities, he listed coordinating a science plan and identifying gaps. Maybe coordinating a science plan for the Task Force may not be the right activity, but having the SCT work with the agencies in developing their science plans could be very helpful. Ms. Klee said she would like a discussion on the GEER Conference and whether that should be a top tier or second tier priority. Mr. Ortnier expressed concern about membership. Mr. Collins stated that this is definitely a better draft and would echo Ms. Klee's recommendation. The direction to the SCT and the Working Group should be the same. He also stated that the NOAA model worked well by providing clear direction with an integrated plan on what

needs to be done. He stated that science conferences eat up a lot of time, money and energy and if it's going to be done, it needs a specific direction. Mr. Ortner responded that the GEER conference is modeled on the Florida Bay conference but the scope was expanded to address the rest of the system. The SCT feels strongly that people that have different positions should come before their peers and defend their positions. Perhaps these conferences need to be held every two or three years. Ms. Klee questioned whether the Task Force or Working Group needs to be the convener. Universities and others host these events. Mr. Emrich suggested attaching a specific list of the tasks given to the SCT to the Charter with a specific start and end date. Ms. Klee restated that she'd like to maintain as much parallel structure as we can between the SCT and the Working Group.

Public Comment

Mr. Patrick Hayes (Martin County Soil and Water and Loxahatchee River Coalition) stated that a major portion of the ecosystem is under the jurisdiction and care of the Florida Park Service and it would seem appropriate to have representation from the Park Service on the Working Group.

Mr. Dan Clark (Cry of the Water) said the Council of 100 report states there is a water supply crisis and he added that it is a sewage crisis. The sewage being pumped off the Broward coast is killing the reef and the same sewage is being deep well injected. The same area will be affected by a beach re-nourishment project.

Continuation of Charter Discussion

Mr. May distributed the draft Working Group Charter that was revised over the lunch break. The duties were broken out into four categories: 1) statutory requirements; 2) other Congressional requirements; 3) Task Force requests; and 4) Task Force assignments. The goal is to streamline the process, make it more functional and attempt to combine reports whenever possible. Packaging reports makes sense not only for the Task Force and Working Group, but for members of Congress, the state and others. The August 2002 report included the Strategic Plan, the Biennial Report and the Total Cost Report with the Integrated Financial Plan attached as an appendix. Ms. Klee asked where the recommendations for Coordinated Budget Request fits in. Mr. May responded this is always a challenging balancing act. The Task Force and Working Group respect individual agency budget authorities, but need to respond to this statutory requirement. Ms. Klee also asked about the Annual Report and she stated that originally there was a requirement to produce an Annual Report and that WRDA 96 changed that to a Biennial report. The Annual Report then became a letter outlining Working Group accomplishments to the Task Force. Currently this is not a report on what Working Group is doing, but a mid-term report on the Biennial Report. Mr. Collins said it may not be necessary if they better integrate the Working Group and the Task Force with the revised Charter. Ann Klee stated that the invasive exotics report done; we can take it off the list. Patti Powers suggested combining 3c and 3d. Ann Klee agreed and said the Task force can fill in the specific action items at the December meeting.

Ms. Klee said that in the section on the powers of the Working Group the first sentence should be changed to "The Working Group may, at the direction of the Task Force" and the rest stays the same with the exception of "as it determines necessary". The membership list has been changed with the addition of the Bureau of Indian Affairs and the SCG chair as a non-voting member. There are provisions for other non-voting members. It was noted that the Public Outreach requirements in WRDA 2000 specifically addressed requirements of the Army and the state for CERP implementation. Mr. Emrich raised a question about 4c and asked if the advisory bodies established under 4b as a subset of 4a or two separate bodies. Mr. Salt said this section needs to be cleaned up.

Action: Task Force members will review the revised Charter and Mr. Greg May will follow up by email for feedback and approval. If there are significant comments, Mr. May will schedule a conference call within the next week to ten days to discuss and approve. He needs to put together a small group to make parallel changes to the SCT charter and within two weeks of today, get both charters approved by the Task Force.

CSOP Advisory Team Charter

Mr. May presented the CSOP Advisory Team Charter and reported that there is substantial consensus. He also distributed the Corps' CSOP Purposes and Objectives document. Mr. Collins requested one change under membership to allow for alternates if needed and the change was accepted. Ms. Power requested that all affiliations be identified and the change was accepted. Mr. May noted that this is the recommended list of members, if the TF approves charter, then he would send out letters of invitation and ask for recommended alternates. Mr. Collins asked how long this group would meet. Mr. Salt replied that the first task was to identify issues which will happen over the next few months and the second task is to draft performance measures which he hopes to have by next spring. Mr. Collins stated that there is need a formal process for the alternates and the Task Force must approve the alternates as well as the members. Mr. Gray said he wanted to talk to agricultural folks in the area to see if they want representation on the committee. Mr. May suggested that the Task Force vote on the charter minus the membership and give him permission to approach the suggested representatives for membership. Ms. Klee said she would support this process. Commissioner Diaz said there is a need to move on the committee ASAP and that time is of the essence. **Action: Mr. Gray will provide feedback to Mr. May by the following day. Mr. May is to send out the letters of invitation and then within a week to ten days get an approved list of alternates. Charter was approved.** Mr. Collins added that governmental alternates would not need to be voted on.

Update on Revisions to the Long-Term Plan

Mr. Dean noted that at the July Task Force meeting, Mr. Gary Goforth gave a good comprehensive presentation on the Long Term Plan. He reported that the public has been engaged via WRAC over the summer and he extended his thanks to those stakeholder citizens who attended those meeting. The updated Plan was discussed at the full WRAC on October 2 with another presentation scheduled for the full WRAC on November 6. The Plan will be presented to the Governing Board in November with the goal of submitting a final plan to the Governing Board in December and then to submit the plan to DEP as part of permit by the end of this year. He outlined the changes to the plan noting that the plan was amended to clearly state the intent to meet the phosphorus criterion, include and expand PSTA in STA 3 and 4 and provide a higher priority in dealing with source controls. A very important issue for the Governing Board is a clear and transparent process for public involvement. The Plan commits to quarterly public updates with an annual February meeting to report progress. He invited all interested parties to attend the WRAC and the Governing Board meetings in November.

Mr. Lehtinen presented his analysis and summary of the Long-Term Plan. He stated that there is a difference between the use of a document as a planning document and the use of a document as an instrument of Florida law. The Long-Term Plan will be incorporated into state law and into a state permit. He said that this plan would let the District off the hook if adequate funding wasn't available. He stated that the fundamental flaw is that the plan does not commit to using the best technologies to improve water quality. As a legal document it excuses the district from achieving the standard, which is different from a goal and objective. It prohibits using water quality standards, but uses language that excuses this obligation. Mr. Lehtinen stated that the plan has terrible legal consequences when used as a legal document. It became clear the state was not going to meet the discharge goals of 10ppb by 2006 as required by the Consent Decree. The original EFA required the state to meet the criteria by 2006, but the legislature modified this by allowing moderating provisions instead of requiring the 10 ppb criteria. There was a campaign to confuse the fact that Everglades will not meet the criteria by 2006, so under the new law the dischargers don't have to meet the discharge criterion. The argument was that if water body is not in compliance, then discharges don't have to meet the criteria. This is counterintuitive; a degraded water body needs improved water quality in order to improve. The reflux in the Everglades has nothing to do with the need to bring the water discharges into compliance. The reflux factor in the recovery of the everglades is not the issue; the time needed for recovery is not the issue. The EFA changes the goal to achieve the water quality and replaces it with a standard that does not require it. STA expansion is specifically required by the consent decree and the revised EFA does not require this. The permits in the EFA cannot have a water-quality based criteria, it is now a technology based plan. Best Available Phosphorus Criteria is now defined as the Plan. It does not allow expansion of the STAs for Best Available Phosphorous Reduction Technology (BAPRT), but provides a list of projects to be built. There are good aspects of the list, but it is not true

BAPRT. On Page 15, there is full notice that the project will work or not work. The whole structure looks like a permitting requirement, but it is really a legislatively driven set of gimmicks that work together to deem the district in compliance when it is not as long as it implements the plan. Mr. Lehtinen stated that the state needs this construct to lead the reviewers under the Clean Water Act to view the plan as a deliberate program that will lead to compliance. Compliance is deemed as either discharging in compliance with the criterion, or discharging without meeting the criterion through moderating provisions. Net improvement means discharging at numbers of p above the criterion but above the levels of the particular phosphorus level of the receiving water body. Moderating provisions and net improvement allows discharges above criterion to degrade the Everglades, but if discharge is at lower than the p of receiving water. The p levels can continue to degrade in the Everglades even with a net improvement in p discharges to the water body. The word “net” excuses the lack of true improvement. Statements are made like “Our program has given a 300% reduction of the 500% we started with”, but the Plan says we can put more p into the Everglades with this net improvement measurement. Conceivably you can have a 50% load reduction but be distributing more p to the Everglades. This plan only allows technology-based requirements to be used when the discharges are not going to meet water quality requirements. Mr. Lehtinen concluded that this is the Everglades; it has a consent decree that did not rely on technology based requirements. The definition of no imbalance of flora and fauna has not changed, but all kinds of moderating provisions have been added in this plan. There is no numeric criteria for ENP or the Refuge and the plan uses a geometric mean to calculate reduction and still says no action is required if the state meets the plan’s requirements. Appendices A and B do not represent a p criteria. These will be used based on an historic period, which was probably a degraded time. The rule says even if the discharge are at higher levels at the edge of the refuge, but there are no change in the p levels in the refuge at the interior marsh stations, this is still acceptable. On Page 24, the WCA p levels are not 10. If the measurement is across all stations, and you allows a mixing zone and if you stick stations in un-impacted areas of the everglades and these measure at 6 or 7 ppb, this can allow higher discharges in the northern part of the Everglades to be disguised. There will no net improvement to the Everglades. If you use a geometric mean to calculate the reduction, you will have skewed results. For example, if you want to know the income of the folks in this room and added in a couple of billionaires, the calculation would tell you nothing. You would have to either throw out the billionaires or use a system that discounts that contribution to the equation. In water quality, at a certain level if there is very high p and compute using a geometric mean, the geometric mean will always be lower than the arithmetic mean. That’s why this is bad for environmental water quality. Page 28 has the plan become the requirement of the permit, but also allows the plan to be changed at any time without legislative approval. Look at the word achieve in this plan; it means objective or goal, but actually means don’t have to meet. In this plan, the word compliance does not mean you have to comply, merely to implement the plan. Permits in this plan are to permit pollution. Best available doesn’t mean this. 10 means greater than 15 using the geometric mean. The District can do more than the plan but why? One needs to deal with the SFWMD as if they have two plans; one to attach to the permit and one for whatever the district can actually do. It is hard for the District to go beyond the minimum and hard to do better than the plan. The District is now being told that if it implements the plan, it cannot be deemed to not be in compliance. It is not easy to detach rules and law into a document.

Mr. Dean stated he admires Mr. Lehtinen and respects his advocacy for his client. Mr. Collins stated for the record that the state has a commitment to meet the phosphorus criterion. When this is understood, it undercuts the some of arguments Mr. Lehtinen made.

Public Comment

Ms. April Gromnicki (Audubon of Florida) stated that the revised Long-Term Plan contains some improvements like PSTA in STA 3 and 4. Audubon advocates other steps like using lands in state ownership to expand STAs. She emphasized the need to expedite CERP storage projects to avoid overloading the STAs, the need for more agricultural and urban source controls and supports more funding especially for additional PSTA testing.

CERP Hot Topics

COL Robert Carpenter stated that he is in the quality of life business. For example, he stated that Lake Okeechobee is currently at 16.9 feet. A record wet season has forced record releases to the St. Lucie and

the Caloosahatchee estuaries. In the short term, he supports re-looking at WSE to change the decision tree. For the mid-term, he recommends revisiting the whole WSE, hopefully without a six-year EIS-driven process to change it. For the long-term, if we have to go back through whole NEPA process, we will do this. As for the rest of the system, the focus is Mod Waters. The Corps has shortened the timeline by six months; the project will be complete by June 2006 with the exception of the bridge project. His tour is over July 31, 2006. His commitment to us is to complete this project by the end of his tour. The Corps is in the process of purchasing lands in 8.5 SMA ASAP. This will be done in an accelerated manner without shortchanging anyone's property rights. Engineering has committed more resources to accelerate the project design. Completing Mod Waters releases the plug at the bottom of the watershed and allows the water to go out the drain. In addition to Mod Waters, the other focus is to increase storage by furthering the partnership between the SFWMD and Corps. This partnership recognizes the advantages that SFWMD has as it can get authorization and appropriation at the same time; but the Corps must pursue these separately. There is a need to build something and get something on the ground. SGGE and IRL are the priorities.

Dennis Duke gave a PowerPoint CERP update. He began with Programmatic Regulations and stated that OMB has released the final document back to the Army. The Corps is working with OMB on the process to obtain letters of concurrence/non-concurrence from DOI and the state. Final regulations will be published in the Federal Register following receipt of those letters. Team leaders have been established for the six guidance memorandum required in the regulations. For the Indian River Lagoon project, a Special Project Implementation Report and Supplemental EIS are being prepared to address WRDA 2000 requirements. A Public Meeting will be held in January. The only anticipated change to the recommended plan from the Feasibility Report is the location of the C-44 Reservoir. The final PIR and SEIS will be forwarded HQ in March 2004 for transmittal to Congress. On Southern Golden Gate Estates, the groundbreaking is tomorrow for the Prairie Canal portion that SFWMD is constructing. This will be included in the PIR being prepared as an alternative. The PDT is scheduled to have a final PIR released in March 2004 for consideration by Congress for authorization. There is a new 2X2 modeling update of SFWMD model. Existing conditions (2000) have been run, verification is complete and the results are posted. Work on year 2050 without project condition modeling is underway. Work on the inclusion of D13R will then follow. Work has begun on the Master Implementation Sequencing Plan and this is expected for be completed in the next four months. Independent Science Review is required by WRDA 2000 and is included in the Programmatic Regulations. The Corps is currently developing a memorandum of Agreement between the state, the Department of the Interior, and the Corps. The plan is to conduct a signing of the MOA at the December Task Force Meeting. A MOA is also being prepared for the National Academy of Sciences to establish the Panel and provide for Review. Concerning Mod Waters, the implementation of the plan for the 8.5 SMA is continuing with emphasis on land acquisition to include a meeting with residents last night. The design is proceeding for S-357, STA, canal, and levee. He stated that the Corps expects to award the contract in mid 2004. The Tamiami Trail GRR is being finalized with the expectation for submittal early in 2004. Operations under IOP continue, currently in Column 1 mode with no by pass. The CSOP Purposes and Objectives paper was reviewed by the SWMD Governing Board with input from the WRAC. The next step will be meeting with the Advisory Team (assuming the charter is adopted) and starting the process. The Corps is looking at the WCA 3A regulation schedule and S-12 operations in light of the continued high water.

Concerning the Critical Projects, Mr. Duke stated that the 10 Mile Creek contract has been awarded and that the last contract for the C-11 project has been awarded for the divide structure at S-381. Work is proceeding on the Seminole Big Cypress project with Phase 1 complete. The Lake Okeechobee Critical Project is a little delayed as the solicitation of the Taylor Creek portion is being re-advertised. The solicitation for Nubbin Slough will follow. Water levels in Lake Okeechobee level are receding. Releases were reduced to 4,500 cfs out of the Caloosahatchee and 2,500 out the St. Lucie. Recent dryer spells have decreased local inflows to the St. Lucie and the Caloosahatchee. The Corps is working with the SFWMD on a three phase effort to improve Lake management 1) adjust the WSE decision tree process, 2) potential short-term deviation from the WSE schedule and 3) re-look the WSE which will involve NEPA. The Lake Toho draw down still pending.

Concerning the C-51/STA 1-E site, Mr. Duke stated that the Corps is working to complete the construction of the STA. The analysis of the PSTA test is complete and the Corps has provided a recommendation to

HQ for an expanded field test. Assuming concurrence, the Corps intends to proceed with construction and testing of the field site, with ultimate construction completion in 2006. He stated that the Corps is also, working on design change report to address concerns over discharges to WCA1, the Loxahatchee National Wildlife Refuge. Mr. Duke said that in order to meet the 10 ppb criteria, the Corps will test routing the water through emergent vegetation, then through Submerged Aquatic Vegetation, and finally, through PSTA. The Corps is looking at ways of improving CERP implementation to meet the original 2005 timeframe in the Yellow Book. He said that most CERP projects will still be joint SFWMD/Corps, but some will be examined to see if they can be accelerated. Three tracks have been identified for improving implementation of CERP: 1) most projects will continue on an enhanced joint implementation process for PIR development and project implementation; 2) a lead agency (either the Corps or SFWMD) may be designated to move forward with a project in order to focus resources that are available on implementation of the project; and 3) SFWMD and others, like Palm Beach County, may elect to move forward with implementation of certain project to achieve early benefits while PIR development continues. The primary projects being examined for acceleration of early benefits are the C-43 Reservoir; EAA Storage Reservoir; C-44 Reservoir; Acme Basin B Discharge; Strazulla Wetlands; Winsberg Farms; Site 1 Impoundment; Broward WPAs and Southern Golden Gate Estates. Rick Smith asked if the Corps had heard from FDOT concerning the Tamiami Bridge. Dennis Duke responded that once completed the intent was to transfer the bridge to FDOT for maintenance. He said that a budget line to compensate or buy the right to put higher water on the roadway was included in the draft report. Andrew Emrich asked when Column 2 operations take place under the IOP. Dennis Duke responded usually on November 1, but high water levels in WCA this year have complicated the situation.

Lightning Round Updates

Mr. Slack presented an update on the Avian Ecology Workshops and distributed a summary of the findings, recommendations and next steps. He stated that the first workshop held on March 17 and 18, 2003 addressed the integration of existing scientific information on avian species typical of the everglades with management decisions that will be necessary as the CERP is implemented. Four focal species were chosen: the wood stork, Everglades snail kite, the Cape Sable seaside sparrow, and roseate spoonbill. The panel concluded that the best available information on the focal species is detailed comprehensive, and of high quality and that restoring flows throughout the south Florida ecosystem would benefit all focal species. The panel endorsed adaptive management as a means to address uncertainties. The second workshop was held on July 29, 2003, and follow up on the integration of science and management by allowing managers, policy makers, and other interested groups to ask key questions of the panel.

Mr. Collins asked how long it takes for habitat and species to respond to hydrological changes. Mr. Slack responded that the next steps will be to collect scientific data to understand how the vegetation changes with hydrological changes. He also stated that they will use the white ibis as an indicator, and begin translocation, population viability analysis of the sparrow and a risk assessment of the various actions. Mr. David Struhs asked if this is the final report. Mr. Slack responded that it is not final and that the US FWS analysis of what aspects of the report the Service will implement is also pending.

Mr. May reminded everyone that the 10th anniversary celebration Task Force meeting is scheduled for December 2-3, 2003 at the Delray Beach Marriott. The first part of meeting will address regular Task Force business. The rest of the agenda will be devoted to lessons learned over the last ten years and thinking about the best strategy for the next ten years.

Mr. Smith presented an update on the Land Acquisition Strategy. He thanked John Outland from DEP and Theresa Woody from OED for their work on the update. The Working Group will take this up for second reading at the mini-Working Group meeting. The Land Acquisition Task Team is updating numbers as of September 30. He anticipates a November Working Group conference call followed by a recommendation for Task Force acceptance at the December meeting.

Kevin Burger reviewed logistics on the SGGE groundbreaking ceremony the following day.

Public Comment

Brenda Chalifour (Save Our Shoreline) said there are some improvements and progress: 1) Sunk Bahamian boulders so private motels will have more beach for lounge chairs; 2) Spending over \$100M to destroy reefs in Broward County; 3) FERC has approved 3 gas lines from the Bahamas with no shut off valves; 4) Runway number four has been approved over U.S. 1 affecting wetlands in John Lloyd State Park 5) beaches are being fenced off; 6) \$320 M being spent to entice businesses to south Florida.

April Gromnicki (Audubon of Florida) distributed Audubon's 10 point action agenda. She said it was good to hear that SGGE and IRL projects are being readied for the WRDA 2004 authorization. She reported that there were letters of support from all counties for these projects. She also noted that the Miami-Dade Chamber of Commerce made Everglades funding its highest priority. She concluded by saying that we have spent many millions to buy land for the IRL, Mod waters and SGGE, and now we need to start breaking ground.

Dan Clark (Cry of the Water) showed a presentation that illustrated the algae in the reefs in Broward County where he was diving last week. He noted that these reefs generate \$2.1 million. He highlighted the reefs north of the outfall and stated that with continued pollution that they will be lost. There could be 100% mortality in this section of the Horseshoe reef. He stated that a nutrient standard should be established for what comes out of these outfall pipes. Divers are trying to remove the algae manually, but this is ineffective. Sewage pumping is a growing problem in Broward. He showed the worse case of cyano bacteria and said he wanted to see this addressed when the EIS for the beach project comes out.

Action: Mr. May will revise the Working Group and Science Coordination Group charters based on Task Force guidance and send them out via email for feedback and approval. If significant comments are received a conference call will be scheduled. Mr. Gray will provide agriculture representation on the CSOP Advisory Team to Mr. May tomorrow. Mr. May will send out the letters of invitation to the proposed CSOP Advisory Team members within a week to ten days.

Meeting adjourned at 4:10 PM.

Enclosures:

1. Briefing Binder
 - a. Agenda
 - b. Draft meeting minutes, July 2003
 - c. Meeting Calendar
 - d. Invitation to Groundbreaking Ceremony
 - e. Task Force Roster
 - f. Proposed Working Group Charter
 - g. Original Working Group Charter
 - h. Current Working Group Roster
 - i. Proposed SCG Charter
 - j. Original SCT Charter
 - k. Current SCT Roster
 - l. Revised CSOP Draft Charter
 - m. Purposes and Objectives
 - n. Avian Ecology Workshop Draft Report
 - o. Tenth Anniversary Celebration
 - p. Draft Annual Update to the Land Acquisition Strategy
2. Long Term Plan Update
3. Dexter Lehtinen's "The Tragedy of the Everglades Long Term Plan"
4. CERP Hot Topics Power Point Presentation
5. Summary of Findings from the Avian Ecology Workshops
6. Audubon's Ten Point Action Agenda