

*Approved Minutes
South Florida Ecosystem Restoration
Task Force Meeting
Duck Key, Florida
December 1, 2004*

Welcome and Administrative Announcements

Ms. Marti Allbright called the meeting to order at 8:35 AM and reminded everyone that the meeting was being webcast. The proposed 2005 meeting dates were accepted without objection. Ms. Colleen Castille made a motion to approve the October minutes seconded by Ms. Patty Power. The minutes were approved without objection.

Marti Allbright, Chair, U.S. Department of the Interior

Colleen Castille, Vice-Chair, Secretary, Department of Environmental Protection

Billy Causey for Timothy Keeney, Deputy Assistant Secretary for Oceans and Atmosphere, U. S. Department of Commerce

Larry Clark for Mack Gray, U.S. Department of Agriculture

Henry Dean, Executive Director, South Florida Water Management District

George Dunlop for John Paul Woodley, U.S. Department of the Army

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

Roman Gastesi for Commissioner Jose Diaz, Commissioner, Miami Dade County

Richard Harvey for Benjamin Grumbles, Acting Assistant Administrator for Water, U.S. Environmental Protection Agency

Dexter Lehtinen, Special Assistant to the Miccosukee Tribe of Indians

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

Patty Power for Jim Shore, General Counsel, Seminole Tribe of Florida

Michael Collins, Water Resources Advisory Commission

Whiparound

Mr. Roman Gastesi announced that Carlos Alvarez had been elected as the Mayor of Miami Dade County. He said that Joe Martinez and Dennis Moss, the new Chair and Vice Chair of the Miami Dade County Commission, are both are very cognizant of the restoration effort. Mr. Billy Causey said Mr. Tim Keeney sent his regrets at being unable to attend since he was Co-chairing the Coral Reef Task Force (CRTF) meeting. He encouraged everyone to attend the CRTF meeting in Miami. He noted that many of the issues being dealt with in south Florida are similar to issues the CRTF is dealing with globally. He said the Keys suffered minimal damage as a result of the four hurricanes and the damage is still being assessed in the Dry Tortugas. Ms. Patty Power said the Seminole Tribe was looking forward to the consultation discussions. Mr. George Dunlop provided an update on FY05 appropriations bill. He noted that \$121.5 million had been appropriated for Everglades related matters which include \$75 million for the Corps of Engineer's C&SF Project; \$64.9 million for CERP; \$10 million for C-111; \$18 million for Kissimmee River restoration; \$26 million for Critical Projects and \$2.25 million for the Florida Keys Water Quality Project. He noted there was no Water Resources Development Act (WRDA) bill this year. He concluded by saying the Project Implementation Report (PIR) for the Indian River Lagoon (IRL) was in the office of the Assistant Secretary for Civil Works and the PIR for Picayune Strand was under full policy review at the headquarters. Mr. Richard Harvey said that Mr. Ben Grumbles sent his regrets. Mr. Larry Clark noted that USDA continued to provide significant mandatory funding through its conservation programs. He noted that an additional \$100 million was available to Florida for hurricane restoration activities. Mr. Jim Murley said he appreciated the Growth Management issue on the agenda.

Director's Update

Mr. Greg May noted that a briefing on the Science-Management Connection in Everglades Restoration would be presented on behalf of the Task Force to the Coral Reef Task Force the following morning in Miami. He said that the 2004 Task Force Workplan would be reviewed during the joint session with the WRAC in the afternoon. He concluded by noting that the CROGEE has requested a no cost time extension to finish its final report on water storage.

Consultation Provisions

Ms. Allbright noted that two members had provided comments on the draft document. Mr. Dunlop stated the document attempts to provide clarity and specify the details of how consultation would occur. He said it also lays out the manner in which interested parties are involved in informing the decisions that must be made to implement CERP. He noted the procedures laid out in law and regulation clearly intend that successful implementation of CERP requires extensive involvement by the tribes, agencies, public and Task Force. He explained that consultation with the agencies and individual members of the Task Force is distinctive from consultation with the Task Force as a body and the objectives are different. He said that consultation with the Task Force would be a more strategic type of discussion. He noted that consultation differs from concurrence. He said that consultation focuses on a meaningful exchange of views while concurrence is a specific procedure that requires written concurrence for a limited number of issues that are specified in law and regulation such as in WRDA 2000 and the Programmatic Regulations. Finally he noted that there needs to be reasonable time limits for consultation, proportionate with the complexity of the issue. He assured everyone that all comments would be considered.

Ms. Power said the Seminole Tribe sees a clear distinction between individual and Task Force consultation. The Tribe is supportive of the Task Force and sees the benefit from the public vetting of issues and the opportunity to raise issues earlier in the process. The Tribe's rights and abilities to consult directly with the agencies working on these documents should not be affected by what the Tribe does as a Task Force member. They also see consultation as an ongoing process unlike concurrence which would be done at a point in time. She said that given the incredible amount of information presented recently, this meeting would not fulfill the consultation provisions and the Tribe looks forward to keeping the dialogue open. Mr. Mike Collins agreed that the independent consultation that takes place was important. He said the District wanted to ensure that individual consultation and collective consultation with the Task Force would not be at the same level in both places. He asked that the document specify that the Task Force does not have a concurrence role. He suggested that the reference to the typical individuals from the agencies to present information be deleted since different people work on different projects. He also suggested the Working Group review technical documents first rather than the Task Force. Mr. Henry Dean said the SFWMD recognized the requirement and the obligation to consult with the tribes and they are committed to doing that. His only concern was that they want to move ahead and get restoration done, avoid duplication and avoid the minutia of the specifics. Mr. Lehtinen asked what the document was exactly. Ms. Allbright explained it is guidance from the Army as to how they will conduct their consultation process. Mr. Lehtinen said it was not a statement of fact and does not reflect anything that has happened to date. Mr. Dunlop said they had an obligation to provide clarity and predictability to people who are trying to participate in the process and the purpose of this document was to define how it will be done. Ms. Power noted the pro regs has a provision that requires consultation with the Task Force on the PIRs and that was a provision the Tribe wanted to see implemented. She noted that while these things are very complicated the technical issues need to be guided by policy that everyone agrees on. She also said that any change from what Congress authorized needed to be clear, shared and agreed to without burdening the long-term progress of the effort. Mr. Harvey asked whether the paper would be formally adopted as a Task Force document. Ms. Allbright clarified that it would not be formally adopted as a Task Force document; it is advisory in nature and the Army's guidance as to how it will conduct consultation. Ms. Allbright said that an updated strikethrough version would be distributed to everyone.

Acceler8 and STA Enhancements

Ms. Allbright noted Mr. Dean made a short presentation on opportunities for accelerating CERP projects at the May Task Force meeting. Since that time, the SFWMD and the Governor have announced their intent to move this process forward. Mr. Dean said they are trying to accelerate Everglades restoration in order to get some of these projects constructed and operational in a shorter time period. If successful, Acceler8 would provide water storage sooner than planned, allow for cost share credit to the state by working closely with DOI and USACE and allow them to accomplish other core mission while not raising taxes. The District worked closely with the Governor's staff to put this concept together to construct these eight major projects and have them operational within five years. He said that Certificates of Participation (COP) will be used to fund the construction. The effort will be lead by Ken Ammon with a nominal amount of staff and with private contractors. COP would be sold in the market beginning in July 2005. There would be a series of sales, roughly \$1.3 billion, to pay for the construction of these projects. COP sales would be

staged and phased according to the schedule for each of the projects. They have researched similar successful projects in California and Houston. The SFWMD is convinced it can be successful too with the help of the USACE and Interior. He noted Mr. Jay Slack has committed to reorganizing his team of scientists to assist the District. He said the District had issued work orders to initiate design on all eight projects.

Ms. Allbright explained that the Army and Interior have made clear that these projects must comply with all environmental requirements such as NEPA, ESA as well as the requirements in the programmatic regulations. Mr. Dunlop said those type of details were covered in the Guidance Memoranda. The Army has worked carefully to ensure that requirements of federal law are clearly spelled out. He noted the state had reserved the right to further discuss some of these matters with the Army, but in principle all of these things had been worked through. Mr. Lehtinen asked why federal NEPA had to be followed if they are no longer Corps projects. Ms. Allbright said they require a federal permit which triggers NEPA. Mr. Richard Harvey said EPA favored the STA expansion. He asked about the requirement in the state Everglades Forever Act (EFA) that STAs be optimized before expanded. Mr. Ernie Barnett clarified that this issues was addressed in the amendments to the EFA. The expansion of the STAs has been adopted by the Board and incorporated into the Long Term Plan. Mr. Harvey asked whether the Governing Board would come back to the Corps for cost share credit in the STA expansion components since these were primarily for water quality improvements as opposed to storage. Mr. Dean and Mr. Collins said the District does not expect the Corps to pay for pure water quality enhancements. They did note that if there were water storage benefits, then they would like to discuss the possibility of credit. Ms. Power asked whether the STA expansion was considered part of Acceler8 and about its relationship to CERP. Mr. Dean clarified that the STA expansion was part of Acceler8 but not part of CERP. Mr. Barnett added that he had been operating under the assumption that they would not be seeking cost share credit since the STA expansion was being done under the auspices of the EFA.

Lack of Task Force input on the Acceler8 Plan

Mr. Lehtinen said the Miccosukee Tribe was not consulted on Acceler8. He said he found it difficult to understand how the SFWMD signed an agreement with the Governor before the Governing Board voted on it or how the Council on Environmental Quality (CEQ) participated in a press conference. The Tribe was also concerned that Modified Water Deliveries (MWD) had “hit a dead end” since it was key to Everglades restoration. He said that if the projects are state projects, then all that would be needed is the Corps’ 404 permit. He asked how they would get around the Congressional requirement to approve the PIRs before these things are built. If Congress is going to be asked for money later, they will ask whether it is a state or Corps project. If the state moves forward and does a commendable job on its own then it is not a federal project. He said there seemed to be a lack of procedure that will cause confusion. He questioned how CEQ could announce that the federal government had entered into negotiations without conducting an EIS. He said the state’s willingness to move projects along is to be commended and the Tribe wants the expanded STAs. Ms. Allbright acknowledged that Mr. Lehtinen raised some factual issues that deserved clarification and response. Regarding the MWD project she noted that MWD was moving forward and because of cost increases they were exploring the most efficient way to do it. She noted for example that the real estate acquisition should be completed in June 2005 and the Corps was currently working on the construction budget. The Tamiami Trail is undergoing additional discussion and review in order to find a more efficient and cost effective way to complete the work in light of the new requirements. She said that MWD remains the highest priority because it is critical to the restoration of the Everglades. Mr. Lehtinen asked about the proposed Tamiami Trail ROD which was withdrawn from Atlanta. Ms. Allbright said that was not because the project was being discontinued but because they are looking at other alternatives. Mr. Lehtinen said that pulling things back for further analysis of different alternatives once a preliminary decision has been made was how MWD fails to proceed.

Ms. Colleen Castille said she remembered what got them here in the first place. There was a man willing to give up everything he had, his reputation and his job and she considers that man a hero and that man was Dexter. She said she has been watching from the outside at the length of time it takes to get everyone’s involvement and participation. She said that she too would like to see things in their natural state, so much so that she would be willing to give up her job. She urged everyone to get the passion back for Everglades restoration. She admitted that it was not until after she had read *Stolen Water* that she finally understood

that it was about getting the right quality of water with the right timing at the southern end of the Everglades. She looked forward to working with the Miccosukee and Seminole Tribes and she reiterated the state and the federal partners' commitment to public participation in this process. Mr. Lehtinen said he appreciated Ms. Castille's comments. Mr. Causey thanked Ms. Castille for her comments and said it was great to hear the passion she put into her statements. Ms. Power noted none of the other restoration efforts around the country are moving along quite as well as this one because of a lack of passion. She said the Tribe's concerns don't get addressed if they are not involved in the front end of the process. The Tribe is not clear if there were any tradeoffs made on things further down the line. Mr. Dunlop said Mr. Lehtinen's comments and questions were all appropriate and the Army viewed Acceler8 as a logical extension of what they have been trying to do. The Corps' banding approach is also an effort to get quicker results consistent with everything contemplated in law. Mr. Collins added that MWD had been a recipe for disaster and the lessons learned should be studied. He said the state's Acceler8 roll out was based on internal budget decisions the District made in consultation with the Governor's office. He believed they can still comply with the issues regarding the federal cost share but the priority had to be restoration of the Everglades. He said they were willing to gamble and if they end up with a locally preferred option (LPO) or somehow diverge from the course then the Administration and the Governing Board believes it will be worth it. The Governing Board believes that if there was a role they could play with regards to MWD then they would try to solve that problem. Mr. Lehtinen said these seem to be in the nature of LPOs which are reviewed by the Corps for consistency with the overall C&SF Project and 404.

Master Implementation Sequencing Plan (MISP) Consultation

Ms. Allbright noted there were a number of items on the agenda for consultation. She noted that the documents deserved ample opportunity for review and comment and the opportunity for additional consultation would be provided.

COL Bob Carpenter presented a MISP presentation (Encl. 2). The draft MISP has been released for public comment and review. It incorporates the state's Accelerate Program which will add an additional \$1.3 billion. It defines the order in which projects will be planned, designed and constructed. It bands groups of products and projects to be accomplished within 5-year time periods and focuses resources on the priority products. The effort now was on the first band and the dates were fixed. He referred to Acceler8 as "acceler-great" because it will allow for a lot more than the eight projects to happen. The Indian River Lagoon (IRL) PIR and the Picayune Strand PIR will be the first two PIRs completed. The Corps has reorganized to be more responsive in meeting the schedule and Dennis Duke will be a Division Chief as well as the Program Manager. He noted his significant responsibility with regards to the NEPA process and said that the Acceler8 will stay true to NEPA. Construction will not begin until after the record of decision (ROD) is signed and then they get the permit. As a result of the additional \$1.3 billion, work that was going to be done by Corps can now be done by the SFWMD freeing up federal dollars to do additional projects. He said he was seeking input and hoped to finalize the MISP by the end of December 2004. Ms. Power said it would be helpful if they understood the how and why things were moved. COL Carpenter acknowledged that Band 1 had more changes than those contemplated for future MISPs. Ms. Allbright clarified that the Corps was looking for written comments and the Task Force would schedule an additional meeting for Task Force comments. Ms. Castille gave the Corps kudos for thinking outside of the box. Mr. Dunlop clarified that comments on the current plan were due by December 15, 2004 and asked the Chair to give some thought as to when the follow-up consultation would take place. Ms. Power asked about the value of the Corps ability to respond to comments in such a short period of time and requested they stretch out the comment period. COL Carpenter said he had no problem with doing that. He reminded everyone that the deadlines have been published and asked for everyone's assistance in sending in their input. Mr. Dean said this gets back to trying to balance the need to move forward quickly and the need to have public input. He noted that several stakeholders have told him that they needed an extension. Ms. Allbright said the Task Force needs to assess the issues that need additional consultation and possibly schedule a conference call or meeting.

Guidance Memoranda (GM) Consultation

Mr. Stu Appelbaum provided a presentation (Encl. 3) noting that both the Guidance Memoranda (GM) and the pre-CERP baseline are required by the Programmatic Regulations and require approval from the Secretary of the Army and concurrence from the Secretary of Interior and the Governor. The six GMs have

now been combined into one document and the order of the GMs has changed and the numbers are different from previous briefings. GM1 contains real estate considerations and policy decisions. He noted for example that the actual costs of real estate acquisitions will be used in the plan formulation cost estimating crediting rather than the market value and this will accelerate the PIR development process. They have been exempted from the Corps policy that requires real estate costs not to exceed 25% of the individual project costs. The basic criterion will be a fee simple approach for project lands. GM2 deals with the formulation and evaluation for PIRs and it will follow the yellow book. They will review the yellow book to determine if it is still appropriate, if not then they will work to develop alternatives. The period of analysis is to be consistent with the Comprehensive Plan which is currently 2050. GM3 deals with implementation of the savings clause (elimination or transfers of existing legal sources and flood protection). WRDA 2000 requires that implementation of CERP can not cause the elimination or transfer until a new source of comparable quality and quantity is provided. A definition of existing legal source is also provided. There is also a detailed procedure for identifying whether elimination or transfers are happening. First, it requires a comparison of the with project condition to the pre-CERP baseline. If it appears as though it has occurred then they must determine whether it is as a result of CERP implementation or some other project. There is also language on legal entitlements of the Seminole and Miccosukee Tribes as well as minimum deliveries to Everglades National Park. WRDA 2000 also requires that the implementation of CERP must not cause a reduction in levels of service of flood protection in existence on the date of enactment. A detailed procedure for identifying whether the reduction in levels of service would occur is included and requires a comparison with the pre-CERP baseline. If there is a reduction then they need to determine whether it is caused by CERP or some other project. GM4 provides a methodology for identifying water for the natural system; other water related needs and water not anticipated to meet specific project purposes at the time a PIR is developed. It is an eleven step technical procedure and includes model language to be used as part of the recommendation section in a PIR. The analysis of water made available will be quantified using two methodologies: modified next added increment analysis and the next added increment analysis. They will also identify the total amount of water made available by CERP. The water made available for the natural system as quantified through the modified method is the water identified to be reserved by the state with a provision that the proportionality of water that is delivered to the natural system will be maintained. GM5 deals with the content of operating manuals (project and system) which are interlinked and must be consistent with the reservation and allocation of water for the natural system. GM6 deal with RECOVER's assessment activities and notes those things that could trigger the adaptive management process.

Pre-CERP Baseline Consultation

Mr. Appelbaum noted the pre-CERP baseline provides an aid in making the determinations necessary in GM3. The regional model runs have been completed and posted on the website. The document describes the assumptions that are included in the model run which is an attempt to model the conditions in effect on the date of enactment (December 11, 2000). The public comment period closes on December 10, 2004. He said that he was aware of the concerns with the date and was open to revisiting that date if needed. They would like to complete this effort in January and then proceed with the final approval process. Mr. Collins said they expected to receive this information three months ago. Mr. Causey noted his concern with GM6 and the targets or causes for initiating adaptive management, specifically he did not see changes in the natural environment or changes in the ecology listed. Mr. Appelbaum said he would review the section and noted that the Assessment Report from RECOVER was required as often as necessary but not less than every five years. Ms. Power said the pre-CERP baseline document was not detailed enough to evaluate the impacts in the modeling. Mr. Appelbaum agreed the document was not that detailed and noted the details were in the model runs. Ms. Power asked about the model inputs. Mr. Appelbaum said they were trying to model the conditions as they existed in December 2000. Ms. Power, referring to the GM, said that they are little confused about the difference between the modified next added increment and the next added increment methods. Mr. Appelbaum said the essential difference was the treatment of the non-CERP projects. In the modified next added increment analysis only non-CERP projects with approved operating plans were included. In the next added increment analysis all the projects assumed to be in place in the without project condition 2050, such as a fully completed Modified Water Deliveries, CSOP and Kissimmee River Restoration, were included. The concern is that they are trying to tie this to the operating manuals and once a plan is selected you derive the identification of water to be reserved.

Public Comment

Written comments (Encl. 4) were provided by Ms. Maggy Hurchalla who was unable to attend meeting.

Mr. Patrick Hayes (Loxahatchee River Coalition) said he viewed reservations as the lynchpin and key component to ecosystem restoration. The proper timing, quality and distribution of water will determine how successful they are in restoration. He was concerned with the language in the reservations stating they could not consider any water that has already been permitted and cannot consider any operating characteristic of structures already in the ground. He proposed they have a group of people to look at how they could operate and manage what already exists and get outside the box rather than build walls around the box.

Capt. Ed Davidson (Florida Keys Citizen Coalition) thanked Ms. Castille for her longing for real progress. He noted this was the greatest environmental project in the history of mankind. He said the real challenge is to build a process that is capable of surviving regime changes at the federal and state level before the project is completed. Need more to put more dirt back in ditches, frogs back in the Frog Pond and put it back to the degree they could as God made it.

Ms. Madeleine Fortin (resident 8.5 Square Mile Area (SMA)) said the MWD project started as an \$80 million project that was to be completed by 1997 and the 8.5 SMA portion was an \$18 million secondary drainage canal that protected the entire community. The cost is now up to over \$300 million for the project and according to the Corps the 8.5 SMA is up to \$183 million. No part of the 8.5 SMA will receive flood protection for that money. Because the project was not done the Corps has spent \$56 million to save the Cape Sable Seaside Sparrow and \$50 million was spent to pump water around in a circle. The State of Florida has received \$68 million from DOI for some aspect of MWD and the Corps admits that some of the money went from DOI to the State of Florida to the Corps who then gave it back to the state to buy land in that area. Once the project is completed the land will be given back to the State of Florida. She said that water was not the only thing getting pumped around in a circle. In 1983, the Experimental Water Deliveries Program was authorized giving the Corps, SFWMD and ENP the authority to regulate canal operations and it continues to be funded at \$9 million per year. She said it was her understanding that the Park Service has cut off the funding for this program and the Park Service will take over the acquisition of the vacant land in the area because the Corps is taking too long. She expressed frustration about the lack of progress and the amount of money spent over the last fifteen years.

Ms. Dione Carroll (Miccosukee Tribe, General Counsel) said that the Picayune Strand area is of fundamental, cultural and ecological importance to the Tribe. That particular habitat supports the plants and herbs necessary to create tribal herbal medicines which are part of the tribal religion. The habitat also supports palm fronds and other components necessary to build chickees. The Tribe has extreme concerns about the restoration process and the need to support restoration which protects that area. The Tribe owns land in the Picayune area and has looked for creative solutions to deal with the restoration project going through that area. Instead of working with the Tribe, DEP has sued the Tribe to take that land. It would be a violation of tribal and federal law to transfer that land to the State of Florida. She asked the members to look at solutions rather than more litigation. There are mechanisms available in law where the Tribe could continue to use the land to support their cultural practices. She said that until the attack on tribal lands stop the Task Force will not be successful. She said this was a real opportunity to achieve positive results.

Ms. April Gromnicki (Audubon of Florida) was pleased to see the state coming up with construction dollars. She noted the no new start policy has been a problem for many years and they need to figure out a way get over that obstacle. She said the CERP funding in the Corps budget is \$10.6 million less than what was in the President's Budget. She asked what would be lost in forward momentum because of this shortfall. She suggested they buy the rest of the land as early as possible, since they were not sure how long the Corps would meet the policy limited to 25% of the overall project cost. While CERP may meet that requirement now, it was not certain how long it would continue given escalating land acquisition costs. She urged all the EAA projects be moved up to the first band. She noted the wastewater reuse project which will provide the water for the Biscayne Bay Coastal Wetlands project has been moved to band three and the natural storage component for the Indian River Lagoon (IRL) project has been moved to band four. She said this area was under the threat of development.

Plan to Coordinate Science

Ms. Allbright noted the final draft incorporated changes as a result of comments. It was provided via e-mail and members were asked to vote, however, only one vote was received from Mr. Dean. Ms. Power said the Seminole Tribe supports the Plan. Mr. Mike Collins said he wanted to see what the actual needs were and how they would redefine the way they deal with the information needs. He suggested having a philosophical statement that everyone could sign off on that states how they are going to identify the gaps and address the future information needs of the decision-makers. Mr. Peter Ortner explained the direction they received was that the document was to be at a programmatic level. The feasibility study for Florida Bay is very specific. Mr. Collins said it was not a bad document and it was an opportunity to deal with some of the issues they have been discussing for a long time. Mr. Rock Salt said that as they worked through this they tried to devise an approach to focus on the Task Force's coordination role which is different from Mr. Collins' responsibility at the SFWMD. He offered to meet with Mr. Collins and discuss this as they begin their next phase. Mr. Ortner clarified that the plan does not imply doing all those things but the ones thought to be a risk to restoration if they weren't done. Mr. Causey said they were able to hind cast and forecast the black water event on the monitoring information that was available. Mr. Ortner added they were able to use that data to debunk the link between an upstream event and the bleaching of the corals. Ms. Power asked to defer the vote until after the presentation that afternoon.

Interim Goals and Targets Update

John Ogden said he appreciated Ms. Castille's comments and added that he too was in the Everglades in the 60s and 70s. The interim goals are the tool to evaluate the restoration success of CERP. The report will be officially transmitted on January 15, 2005. The agencies will come before the Task Force in early 2005 for consultation. Revisions are required by 2010 but will be made as new science and tools become available. The report must be provided to the new National Academy of Science panel in 2005 so they can report to Congress in 2006. He reviewed the report contents that will include five sub sections of narrative accounts that link together the indicators they have selected.

Mr. Harvey stated that CERP will not solve all of Lake Okeechobee's problems and noted other programs such as the Dairy rule and BMPs. Because of factors and programs outside of CERP's control he asked how they would differentiate between CERP's success and lack of success. Mr. Ogden said it will be a challenge but they had selected indicators that would be mainly influenced by CERP. But he acknowledged there is no such thing as an indicator that would not be influenced by other things. The technical teams are supposed to tease out the effects and the predictions they are providing now are their attempt to predict CERP contributions.

Picayune Strand Consultation

Mr. Dennis Duke noted that the Picayune Strand was formerly known as the Southern Golden Gate Estates (SGGE). He reviewed the history of the project and said that it was a component of CERP requiring specific authorization from Congress. Alternative 3-D is the recommended plan and will cost \$349 million. The project will stop the over drainage of the system and remove 227 miles of road. The benefits include restored and enhanced freshwater flows to the estuaries, upland wetland habitat throughout the watershed and habitat for endangered species such as the panther and woodstork. It will provide connectivity and will provide one of the largest contiguous natural areas in south Florida. He provided a comparison of the Restudy and the current PIR. He said the final PIR has been forwarded to Corps headquarters and was published in the federal register. He hoped to have the Chief's Report by the end of December.

Comprehensive Integrated Water Quality Feasibility Study Update

Mr. Duke stated the study was being done jointly with FDEP and was part of CERP. The objective is to ensure that the quality of water provided by the Comprehensive Plan and the C&SF Project, at large, is consistent with the goal of ecosystem restoration. Phase I will perform an evaluation of current conditions, Phase II will develop alternatives to address improvements needed and Phase III will develop a feasibility report. Any recommendations that come out of this will be in addition to the \$7.8 billion estimate for CERP.

Mr. Causey encouraged them to incorporate the downstream data and look beyond the CERP project area at Florida Bay and the Sanctuary for example. He noted the vast amount of data and the need to determine

whether there are changes taking place, good or bad. Mr. Duke said they were incorporating everything DEP and the other agencies were doing. Mr. Causey said that they needed to be able link the science up and down the system in order to be able to analyze the changes. He noted the use of data to help pinpoint the decline of Looe Key to thermal stress as opposed to high nutrients coming out of the Caloosahatchee. Mr. Harvey said they have had a contract with Florida Wildlife Research since they started the monitoring in 1996 and offered to make this information available to Mr. Duke and others. Mr. Causey said that water quality needs to be kept in the forefront since it is the greatest threat to the water resources in the Keys. Ms. Castile said she did not understand why the costs were so great. Mr. Causey said EPA has spent over \$17 million for water quality work in the Keys. Mr. Duke said he has the Phase I effort as TBD and appreciated the comments so that they can now finalize the scope. Mr. Causey noted his concern that they have not looked outside the CERP boundary and that is where they will find a lot of data.

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South Florida Ecosystem Restoration
Joint Meeting with Water Resources Advisory Commission
Duck Key, Florida
December 1, 2004*

Mr. Collins and Ms. Allbright called the joint meeting to order at 1:52 PM.

2004 South Florida Ecosystem Restoration Task Force

Mr. May reviewed the development of the Task Force priorities for 2004. He said that as a result of the December 2003 meeting, four categories (products, functions, general priorities and consultation) of tasks were developed to guide the agendas and activities for 2004. He reviewed the status of these priorities. Highlights include the Task Force approval of the Strategy and Biennial Report and the completion of final drafts of the Land Acquisition Strategy and Plan to Coordinate Science (scheduled for approval later in the day). He noted that the website (www.sfrestore.org) upgrades, improved meeting agendas and the use of conference calls have aided in the fulfillment of the Task Force's statutory duties specified by WRDA 1996. He cited the Working Group's Multi-species Management Workshops and the CSOP Advisory Team's Performance Expectations as examples of dealing with and resolving conflict. He concluded by reviewing the consultation procedures to date with the Task Force as required by the Programmatic Regulations.

Mr. Collins requested the Corps extend the time for comments on the Guidance Memoranda. Ms. Power said it was important for everyone to thoroughly review these documents and requested a 30-day extension. She suggested the Task Force meet prior to the Everglades Coalition in order to have an opportunity to discuss this again. Mr. Roman Gastesi, representing local government concurred for the need for more time. Mr. Fred Rapach added that for comments to be meaningful and timely an extension would be a reasonable request. Mr. Collins suggested that they send a request on behalf of the Task Force and the WRAC for an extension. Ms. Allbright recommended additional Task Force consultation in January. Mr. Dunlop said the written comment period could be extended from December 15, 2004 to January 10, 2005 and a special Task Force meeting to deal with the consultation items could be scheduled on Thursday, January 13, 2005.

Land Acquisition Strategy

Ms. Theresa Woody noted the purpose of the strategy is to provide information on the real estate needed to accomplish restoration. She reviewed the revisions and additions made to the document which include a discussion of alternative tools to meet land use needs, public/private partnerships and local government contributions. All three goals are discussed in this new strategy and all data is current as of the cut-off date of June 30, 2004. This edition includes the identification of 5.8 million acres for natural habitat protection of which 4.9 million acres have been acquired and the acquisitions have been completed complete for twelve habitat projects. The maps have been revised and provide a total picture of land acquisitions. She presented the final draft of the second edition of the strategy for Task Force acceptance.

Several members of the public had questions and comments. Ms. April Gromnicki said they were pleased to see the addition of the local government initiatives. She asked where she could find how many acres remain to be acquired and the costs. Ms. Woody noted they are broken down by goals on pages 5 and 6 and reiterated that the totals were as of June 2004. Ms. Jody Thomas asked how much land has been purchased since the strategy was developed. Ms. Woody said that information was not available but could be included in the next edition. Ms. Mary Munson asked whether there were any red flag issues. Ms. Woody responded that Appendix F contained priority land acquisitions for the SFWMD. The Land Acquisition Strategy was accepted with out objection.

Working Group Report

Mr. Jay Slack reported the Working Group concentrated of the Task Force's discretionary priorities as well as its mandatory responsibilities. The Task Force identified Multi-Species Management as a discretionary priority for 2004 and had requested that the Working Group identify the most important Multi-Species

Management issues. In response to this request the Working Group conducted two comprehensive workshops. Mr. Slack reported that as a result of the workshops the members developed a much better collective understanding of the subject and identified the most important issues. He reviewed the top five of the nine issues ranked by the Working Group and noted the first two were science and multi species management and facilitating the implementation of multi-species management in Everglades restoration. He reviewed the many activities that support these priority issues such as the development of the Multi Species Recovery Plan and the funding of key research for threatened and endangered species. Opportunities for future activities include developing better tools to understand and evaluate multi species benefits and trade-offs and to better understand how projects can be developed to maximize benefits to species. Mr. Slack noted his office has funded over \$8 million of the highest priority issues on the implementation schedule from the Multi Species Recovery Plan. Mr. Slack noted the Working Group had completed the assignment and asked if the Task Force had any follow on tasks. He suggested that better coordination and integration of county, CERP, water supply and flood protection and threatened and endangered species planning would provide more certainty across many activities beyond the multi species issue. Mr. Dean stated that many individuals had asked him how they as government could protect a single species at the expense of fifty or seventy threatened and endangered species north of the Trail. He asked what information was available stating the impacts, if any, as a result of the closing of the S-12s for example. Mr. Slack said they have abundant information and the conclusion was that they are on the right track. It is not just about the Cape Sable Seaside Sparrow, it's also about the habitat south of the Trail, the marl prairie habitat. This habitat has been flooded on the west side for a long time and consequently has shifted to sawgrass. The soil type can be mapped and they know exactly where the marl prairie was historically and should be when they restore the Everglades. Mr. Dean asked specifically about the data available north of the Trail. Mr. Slack noted that the water in WCA 3A has had longer hydroperiods and deeper amounts of water than it has in the past. He said the actions taken to route water around the system when the S-12s were closed actually moved more water out of WCA 3A. Mr. Gene Duncan stated the Miccosukee Tribe also concerns about the impacts to the rest of the system. When the RPAs led to the development of ISOP and IOP, they maintained there would be other impacts. NEPA analysis which is required did not happen and instead they went to CEQ to get permission to implement this without knowing what the impacts were. When the Corps finally did some analysis, FWS issued incidental take statements for the other endangered species, and that is the reason they are involved in all these lawsuits. Mr. Duncan said the rest of the system has been held hostage for one bird. Mr. Joe Walsh added that the State of Florida under an agreement with the federal government is starting a Comprehensive Wildlife Conservation Strategy. He invited all potential partners to participate in the development of this strategy. Mr. Clark complemented Mr. Slack in recognizing the potential of conservation by private landowners and noted ongoing efforts throughout the country.

Cape Sable Seaside Sparrow (CSSS)

Mr. Slack reviewed the history and habitat of the CSSS, one of nine sub species of the Sparrow in the U.S. and the closest relative of the Dusky Seaside Sparrow which went extinct two decades ago. The population of the sparrow in the Everglades has decreased by 50% since 1981. In 1999, the FWS determined that the Experimental Program would jeopardize the continued existence of the sparrow. Due to flooding of sub-population A habitat followed by over-drying, fires and encroachment, the RPA in the Biological Opinion prescribed the S-12s structures would remain closed from February 1 – July 15 (which was subsequently changed to have a staggered closing beginning November 1st) in an attempt to have the habitat shift back. Accomplishments since 1999 include: reduction in flooding in sub population A; improved fire protection in the eastern population; control of invasive exotics; prescribed burning; continued sparrow monitoring and research and improved coordination among the management agencies. Sub population A has not rebounded since 1999 and the habitat has not yet recovered. Sub population D close to Homestead has been extirpated (the extinction of a localized group); however, that population was not flagged as critical to the survival of the species. Sub populations on the eastern side remain constant. He reviewed the counts for sub populations A-F for 2004. Two singing males from sub population B were found in the sub population A area. Birds are getting across the slough on their own and that means that once the habitat is restore, the species may rebound. Next steps include development of translocation methods and a think tank study to try and identify other ideas or impediments. Mr. Collins asked if they have looked at whether they could restore Florida Bay using Taylor River Slough would they have to move birds back into that habitat. Mr. Slack said population D is not a high priority and did not know whether that has been looked

at. Mr. Collins said that when they look at potential habitat, they should be cautious about making it blend with other restoration efforts. Mr. Duncan stated that when restoration models are compared, D-13R results in wetter conditions in subpopulation A and the RPA which led to the IOP requires drier conditions that currently exist. As long as they are going to maintain habitat for sub population A they will move away from restoration. He expressed concern that the model would be changed to match the habitat they want. He said he could not believe that they were considering “trucking” the birds in when the actions they have taken to date have driven the numbers down from 2,500 down to one or two birds. Mr. Slack responded that as far as modeling go, models are an important tool used to develop the projects. They will take a look at the soils that have formed over the last eight to ten thousand years and target the hydroperiod (quantity, quality, timing and duration) that would cause the habitat consistent with that soil type to return. Ms. Allbright stated that implied in the question was whether the Endangered Species Act allows them to “write off” that last bird. Mr. Slack replied that there were provisions in the ESA but that those decisions were made by cabinet appointees and that he could not allow the extinction of a species. Although the species occurs in other areas, the science indicates they need three populations and the loss of that population would constitute jeopardy to that species. Mr. Duncan said there are still plenty of birds in the other populations. Mr. Slack said many eminent scientists have recommended that recovery of the species requires those three populations including sub population A.

Science Coordination Group Report

Mr. Rock Salt reviewed the draft Plan to Coordinate Science. He said phase I focused on developing an approach to coordinate science at a strategic level. Two conceptual ecological models (Florida Bay and Total System) were used to identify priority needs. Phase I includes initial needs, gaps and recommended actions. The workplan for completing phase II includes developing needs, gaps and actions for other 10 ecological models. They will simultaneously be working on science applications with a focus on quality assurance, peer review, data sharing and tracking progress. An independent scientific review of the draft plan is planned and phase II of the plan will be provided to the Task Force in two years. The Task Force asked the SCG to come back with a proposal to develop a new set of system-wide indicators for use in the Strategy and Biennial Report. The SCG proposes that a sub team of the SCG be created to review the Total System Team indicators and build on that effort. The SCG will seek independent scientific review of the indicators before providing the final recommendations for Task Force approval. Mr. Peter Ortner and Ms. Susan Markley provided in-depth briefings on the Florida Bay/Florida Keys Feasibility Study, Florida Bay Strategic Science Plan, Southern Estuaries MAP Module and the Water Quality Feasibility Study. The SCG made a number of recommendations: the Corps and the SFWMD continue to include the Florida Bay/Florida Keys Water Quality Model in the Florida Bay/Florida Keys Feasibility Study; the Water Quality Feasibility Study should identify the links throughout the system between water quality and function and help develop water quality targets for the ecosystem; the members were encouraged to continue CERP and non-CERP funding for science and CERP MAP in Florida Bay and Southern Estuaries. Mr. John Paul Woodley made a motion to approve the Plan to Coordinate Science. Ms. Allbright noted there was no objection to approving and forwarding the Plan to Congress.

CSOP Advisory Team Report

Ms. Carol Rist noted the purpose of the team was to assist the Task Force in providing recommendations to the Corps during key phases in the CSOP process as well as increase stakeholder participation in the process. She then provided an overview of the team’s efforts to include the team’s Performance Expectations document which the Task Force forwarded to the Secretary of the Army. The team recently passed a resolution recommending that the Task Force urge agency members to resolve the issues of funding, scheduling and agency roles and responsibilities with respect to CSOP and the integration of these pre-CERP projects with CERP and Accerler8 and provide guidance to the CSOP Advisory Team. In the future the team will develop performance appraisals and recommendations on the model alternatives, seek consensus and develop advice as important issues arise and continue to coordinate efforts with the CSOP PDT. Mr. Duncan noted the diverse members on the group agree that MWD is the single most important project. Ms. Allbright reiterated that DOI and the Army remained fully committed to the successful completion of the MWD project. She said that DOI has had extensive discussions with the USACE to understand the factors that contributed to project cost increases and to seek ways to complete the project as efficiently as possible. She stated that it was the most important element of restoring ENP and assured everyone that they were working to get the project done. Mr. Woodley has also made it a high priority and

has been working with Interior. She noted that National Park Service is working with the Corps to ensure completion of the remaining real estate acquisitions by June 2005. She said that they were looking at options to ensure that Tamiami Trail is built in the most cost effective means possible. She noted that the changes requested by the Florida Department of Transportation prompted the re-look of the alternatives. She said they were working with the Federal Highway Administration to ensure all options were considered. Mr. Roman Gastesi thanked Ms. Rist for all of her work.

Growth Management Considerations for Achieving Restoration

Mr. Charles Pattison provided an overview of the local and state government role and responsibility in growth management. He said citizens also play a role in seeing that comprehensive plans are enforced once they are adopted. The key issue for the Everglades is how they will accommodate an additional two million people coming to live in this basin. Ms. Jamie Furgang reviewed the comprehensive maps for Palm Beach and Miami Dade counties which both have escalating populations. Proposed developments of concern were highlighted for each of the two counties as well as tools (resource planning and management, sector plans and various acts) available to help get ahead of the development curve. Mr. Pattison closed by saying that he hoped to leave the Task Force with some discussion of what it could look at in the future for growth management issues affecting CERP and restoration. The state of Florida has a thirty page document looking at proposed growth management changes to the Florida system to consider during the March session of the Legislature. Mr. Murley encouraged the Task Force and Working Group to pay attention to whatever proposals come before the Florida Legislature as they look at Florida's Growth Management laws. He recommended the regional teams be used to discuss these growth management issues which he believed to be the single greatest threat to restoration. Mr. Dean asked that this be a priority issue for the Task Force. Mr. Collins agreed these were critically important issues and requested that Ms. Castille, who had to leave earlier, be a part of the discussion. He recommended that they weigh in while the Legislature was working on this while being sensitive to concerns over the federal government's involvement in local issues. Mr. Walter Carson cautioned that no one wants to alter economic growth within a region and restoring the Everglades could further increase economic and population growth. He seconded Mr. Murley's efforts to move forward but cautioned there may be other concurrency issues. Mr. Pattison said the recommendations are general to make the Task Force and WRAC aware of what is occurring. Mr. Collins said that they needed to take advantage of the fact that Ms. Castille is involved at a greater level of detail with this issue.

WRAC 2004 Accomplishments and Priority Plan

Mr. Collins reported they were developing the process to set the initial reservations for water and noted that it would be a monumental task. The priority plan will allow for some flexibility should the Task Force want to task something to the WRAC. Mr. Rick Smith reviewed the 2004 accomplishments which included recommending improvements to the Long Term Plan on water quality and improvements on the Lake Okeechobee Protection Plan.

Public Comment

Captain Ed Davidson (FL Keys Citizen Coalition) stated there was a fundamental flaw in the process and that some local zoning boards make the problems worse. They need to work harder during the implementation phase and make the connection with the local process. He thought that if it weren't for the involvement of citizen and environmental groups that things would be a lot worse.

2005 Priorities Discussion

Ms. Allbright said that in the interest of time and noting they had lost some members to other meetings, they would provide Mr. May with some possible 2005 priorities. Mr. May would prepare a draft that would be circulated and discussed at the January 2005 meeting. Mr. May said he would take everything he heard at this meeting and prepare the first draft. Ms. Allbright said that all of the topics on the agenda were important and substantive. She recognized the efforts of the Corps of Engineers and the Working Group. She questioned whether meeting four times a year would be adequate given the number of issues that need to be discussed in the year ahead. Mr. Gastesi suggested having one meeting a year in Washington, D.C. Mr. Dean recommended having a brief status report on Acceler8 and MWD at future meetings. He also suggested they consider working with Ms. Castille and integrating land use decisions with resource protection. WRAC members also asked to be included in this issue. Mr. Dunlop said that attending

additional meetings may make it harder for participation at the Assistant Secretary level and was in favor of fewer meetings. Ms. Allbright said they may be able to augment meetings with conference calls. Mr. Collins agreed it was important to have people who could make the policy level decisions present and suggested working through issues in workshop type formats. Ms. Allbright said that if they are serious about moving this forward, they will have to attend to the details. Mr. Dean agreed they need the policy makers to be present and suggested having three two-day meetings with one held in Washington. Meeting adjourned at 6:15 PM.

Enclosures:

1. Briefing Booklet
 - a. Agenda
 - b. Draft meeting summary, October 2004
 - c. 2005 Meeting Calendar
 - d. Task Force Roster
 - e. Task Force Statutory Responsibilities
 - f. Draft Consultation Provisions and comments
 - g. Acceler8 and STA Enhancement maps
 - h. Corps' Consultation and Updates
 - i. MISP power point
 - ii. Updated MISP (draft)
 - iii. Draft Guidance Memoranda
 - iv. Draft Pre-CERP baseline
 - v. Interim Goals and Targets power point
 - vi. Picayune Strand power point
 - vii. Comprehensive Integrated Water Quality Feasibility Study power point
 - i. 2004 work plan status power point
 - j. Land Acquisition power point
 - k. Draft Land Acquisition Strategy and comments
 - l. Multi-Species Management power point
 - m. Status of Cape Sable Seaside Sparrow power point
 - n. Science Coordination Group power point
 - o. Draft Plan to Coordinate Science and comments
 - p. Program Management Committee
 - i. Cover letter
 - ii. Science Plan for Florida Bay
 - q. CSOP
 - i. power point
 - ii. Task Force letter to the Army
 - r. WRAC
 - i. power point
 - ii. Priority plan update (draft)
 - s. Growth Management presentation
2. COL Carpenter's power point
3. Stu Appelbaum's power point
4. Maggy Hurchalla's written comments