

*Approved Summary of the South Florida Ecosystem Restoration
Task Force conference call on the
Strategic Plan/Biennial Report
October 6, 2004*

Ms. Allbright called the conference call to order at 12:30 PM and noted that it was being held in lieu of the September Task Force meeting which was cancelled due to safety concerns related to Hurricane Ivan. She reviewed the ground rules for the call and noted that it was being webcast. She reminded everyone that an opportunity for public comment would be provided. She announced that the next meeting was scheduled for December 2-3, 2004. She presented the minutes from the May meeting and August and September conference calls. Ms. Castille moved the minutes for approval. Mr. Dean seconded the motion. Ms. Lorion provided minor changes. The minutes were approved as amended without objection.

*Marti Allbright, Chair, U.S. Department of the Interior
Colleen Castille, Vice-Chair, Secretary, Department of Environmental Protection
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
Robert Mariner for Linda Lawson, Director, Office of Safety, Energy and Environment
Ron Marlow for Mack Gray, U.S. Department of Agriculture
Peter Ortner for Timothy Keeney, Deputy Assistant Secretary for Oceans and Atmosphere, U. S. Department of Commerce
Patty Power for Jim Shore, General Counsel, Seminole Tribe of Florida*

Comprehensive Integrated Water Quality Feasibility Study

Mr. Duke reviewed the feasibility study presentation (Encl. 3) which had been previously distributed. This study was envisioned in the RESTUDY and would address problems with water quality that were not included in state projects or in those recommended by the RESTUDY. The study area includes all the lands and waters within the SFWMD boundary and all lands within the northern Indian River Lagoon boundary. An interagency team has been developing a Project Management Plan (PMP). Mr. Harvey noted that EPA was not listed as a study participant on the fourth slide. Mr. Duke explained that a feasibility study, accompanied by NEPA documentation, is the authorization document that provides recommendations from the Secretary of the Army to Congress for a project to be constructed by the Corps or other agencies. Given the extent of the overall area, the feasibility study was divided into two phases. Ms. Lorion asked whether Phase II was as a result of the Everglades Forever Act and having Phase I and II in the Long Term Plan. Mr. Duke said no, it was a result of looking at the overall scope and trying to identify a cost estimate and schedule for alternatives when they still do not have a complete understanding of the problems and issues. Phasing was done to assist the Corps in identifying the problems they are trying to resolve. Ms. Lorion asked what was done to further this effort between 1999 and 2004. Mr. Duke explained that was the time they were working on the details of the plan. They have been identifying the requirements for Phases I and II, what are the ongoing efforts, what are the data gaps and which agencies are gathering data. The PMP is part of Phase I along with initial data gathering and determining what else is needed. This was initiated roughly two years ago. The state has set aside \$5 million and the Corps has identified funds as well. Ms. Allbright asked whether the Corps resources are such that if they do this they won't be able to do something else. Mr. Duke explained that in the short term, as they look at banding, this was pushed out because of resource limitations. Ms. Lorion asked when it was decided that they would delay this and asked whether the Army recalled the Task Force letter saying how important this study was. Mr. Duke said he was familiar with the letter and realized the importance of the study. He said the decision was made as they updated the MISP. Ms. Lorion asked what projects would be more important than getting the water cleaned. Mr. Duke said it was not a matter of which projects were more important but

which projects could they have in the ground faster. They are trying for some early victories and positive results.

Ms. Castille said that as she looked at the presentation, it appeared that the scope deals with water quality problems they already know exist. She asked whether there was a universe of projects or water bodies not included in CERP. Mr. Duke said the intention was to fill in the gaps and he thought there were water bodies within the south Florida region that CERP does not address. Ms. Castille said she was concerned that they were going to do water quality studies in the entire Everglades, which have already been done, to come up with the Plan. Mr. Duke stressed that this study is focusing on connecting the dots. There is a lot of work ongoing by the state, EPA and others to identify the full range of water quality issues that were not addressed in the RESTUDY and that will be the focus of this study. Mr. Barnett added that an overarching water quality study for all of south Florida would not arguably be an Army Corps of Engineers project but an EPA, DEP, local or tribal driven project. Part of what they have struggled with is defining the scope of the study to evaluate unaddressed water quality problems associated with the federal project. That scope addresses one whole set of questions that are important. He believed the RESTUDY caught most of them but there may be some unaddressed areas. There are a bunch of other things for water quality others are doing so that at the end of the first phase you will have a compendium of knowledge of the overarching parts. In the second phase of the study, the Corps would proceed with the appropriate parts for federal involvement. They may then identify additional studies or analysis under the Clean Water Act or under 319 grants that are needed to address other water quality problems. By the end of the first phase they will have clearer direction of whether they need to do any structural improvements to the C&SF project to address water quality problems. They will also know if there are other problems outside the Army Corps' authority and if so what strategies are needed to address them. He stressed that every single project associated with CERP has to meet water quality standards and nothing in this study will change that. There are only two new discharges contemplated into the Everglades Protection Area and they will need to meet the 10 ppb standard. Many people do not understand that most of the existing CERP projects divert harmful discharges away from the Everglades Protection Area. Those projects that do bring water into the Everglades Protection Area will need to meet the 10ppb standard. Modified Water Deliveries cannot go forward if it can't deliver water that is of appropriate quality for restoration. Ms. Lorion said that the tribe's understanding is that this study was to integrate in a comprehensive manner, water quantity with water quality, and this document was to come up with a strategy for doing that. Mr. Duke said that strategy was not developed in the RESTUDY, but that the RESTUDY recommended the integrated water quality feasibility study to develop the strategy.

Mr. Salt noted that the Science Coordination Group identified as a technical priority some of the technical analysis that would be part of this report and they were recommending that it be completed in Band 1. Mr. Ortner said that the issue comes down to the degree to which these projects have to meet water quality standards. Furthermore he said that those standards may not be sufficient to achieve restoration success. The analysis of this issue should not be confined to the project boundaries only but also include downstream projects and areas. Ms. Lorion suggested the Task Force make a recommendation that this study be completed by December 2006 as promised in its letter and that the Task Force set up a task team on water quality. Ms. Castille said they are ready to go and have the money in the budget but has questioned, as they do with all studies, whether it needs to cost \$8 million or could it be done for less. Mr. Duke said they could adjust the scope to the budget but that they needed to agree on the scope. Ms. Allbright asked whether EPA has looked at the scope. Mr. Harvey said he has not and has not vetted this up to Atlanta and Washington. Ms. Allbright suggested EPA provide a second opinion since they do a lot of water quality studies. She asked EPA to look at the scope and costs and provide suggestions to either limit the scope in a way that is still comprehensive enough to take care of what is intended or to provide other thoughts on costs. Mr. Harvey said they would be willing to do that and that he would coordinate with Mr. Duke and Mr. Barnett. He added that no one disagrees this needs to be done and everyone recognizes there are water quality issues associated with CERP components. The Corps, District, DEP and others have come up with a great guidance document for addressing water quality concerns. However, there are other ongoing efforts such as the work in the Keys by NOAA, and the state's work with TMDLs and BMPs and all those efforts need to be pulled together to make sure water quality is being addressed whether it's done through this study or by some other means. Ms. Castille said there is a lot of data gathering and work that agencies have already done and agencies have paid for. They should not re-pay to

gather it and put in into a new database. She also said that she wants to be sure that everyone has the same expectations. It is not a wise use of tax payer dollars to do water quality studies where they have comprehensive projects that address water quantity and quality and the projects need to meet water quality standards. Mr. Harvey said that the key is to understand how all the individual efforts fit together to ensure the right quality of water is being distributed. Ms. Lorion said the task team would be a good way for all the agencies and the tribe to talk this out. Mr. Salt said the SCG had identified the feasibility study as a means of pulling together technical information and depending how it goes the SCG would figure out how to continue to monitor water quality issues. Mr. Harvey said EPA would be glad to look at it and participate in a task team if the group decided that was best but did not want to duplicate any effort. Ms. Allbright suggested a group of all interested parties get together and sort through this issues and have a plan with a timeframe ready for the December meeting that meets the December 2006 schedule. Mr. Barnett noted that DEP as the local sponsor should work with the Corps and present a proposal to the Task Force for consultation and input. He asked that the Task Force give them an opportunity to firm up the scope, work plan and time table. Ms. Allbright agreed that would be a legitimate suggestion but she thought that she had heard concerns about study scope and schedule. Mr. Barnett said he would report back on the timelines and dates at the December meeting. In the meantime DEP would work with the Corps and reach out to their sister agencies and the tribes and report back in December. Mr. Ortner noted the RESTUDY schedule called for completion of the study by 2006, but the presentation calls for study completion in 2008. Mr. Barnett said the RESTUDY schedule documented in the Yellow Book needed to be tempered by agency budgets, authorizations, schedules and priorities. The MISP process, which is refining the schedules for implementation, is a very fluid and transparent process. Mr. Duke agreed with Mr. Barnett's comments. An updated briefing will be provided at the December Task Force meeting.

Strategy and Biennial Report

Ms. Allbright said they are missing agreement on the language that describes the status of the water quality feasibility study as of August 2004. The tribe has a motion that was tabled until today's meeting. Ms. Lorion continued with the same motion and added that they are concerned with demonstrated progress. She asked if the current text implies that RECOVER has said that the system-wide water quality monitoring may not be necessary. Mr. Peter Ortner clarified that water quality monitoring is part of the RECOVER Monitoring and Assessment Plan. There are water quality components in each of the geographic modules which together cover the entire system. There was discussion as to whether there was going to be a need for monitoring and assessment beyond what was already captured in the MAP and that still remains an open question and that is what is referred to as system-wide. Ms. Castille asked for Ms. Lorion to read the motion. Ms. Lorion read the motion as follows: *It is the Miccosukee Tribe's position that the delay, and potential abandonment, of the Comprehensive Integrated Water Quality Feasibility Study described in the 1999 Restudy document as being necessary to ensure that water quality restoration targets are linked to hydrologic restoration objectives is indicative of the overall failure to address water quality as a priority. The Tribe believes that this bait and switch is contrary to the recommendation of the Federal Task Force and will undermine the entire restoration effort. In the Tribe's view, the state has always resisted this vital study, and it appears that the Corps has finally capitulated. DEP's and the Corps' unilateral decision to delay, or abandon, this critical study is unwarranted, harmful to restoration goals, and contrary to the promise made to Congress and the Task Force that a comprehensive water quality plan would be developed for the entire Everglades study area.* Ms. Castille offered a substitute motion. Ms. Allbright said that procedurally they needed to vote on the pending motion before entertaining other motions. The motion failed with two members voting in favor and eight members voting against.

Ms. Castille made a motion that the local sponsor and the Corps of Engineers agree to establish or to work in conjunction with the parties to get a schedule and a scope for a water quality feasibility study to be ready for discussion and debate at the December meeting. Ms. Allbright asked for clarification on whether the language was for the Strategy or how they move forward on this issue. Mr. Barnett said the report should reflect that the local sponsor and the Army Corps of Engineers are moving forward developing schedules and scopes to implement the plan. Mr. Dean seconded the motion. Mr. Peter Ortner said that although everyone is in agreement that it needs to be done as expeditiously as possible it was not appropriate to add to this description because it could be viewed as a way of claiming progress rather than stating the status of things at this point in time. Mr. Barnett said the current language needs to accurately reflect where they actually were. Ms. Lorion said she was concerned that they are now not able to vote on the report given

this new language which will need to go out for review. Ms. Castille said that if the tribe had the assumption that the water quality study was not moving forward and other people may believe that DEP is not moving forward on it then she was concerned. She would like the report to reflect that they are moving forward on it. Mr. May read the proposed language for the CIWQFS: *The SFWMD and the USACE have recently completed a prioritization process for projects identified in the CERP. As a result of this process, the USACE and the Florida DEP will brief the scope and schedule for the study at the December 2004 Task Force meeting.* Ms. Allbright called for a roll call vote on the motion. Mr. Dunlop joined the call. The motion passed with seven members voting in favor, three voting against and one abstaining.

Ms. Allbright said they were now ready to vote on the Strategy and Biennial report as a whole. Mr. Dean made a motion to approve which was seconded by Ms. Castille. There was no discussion and the report was approved with ten members voting in favor and the Miccosukee Tribe voting against it.

Ms. Lorion said the tribe would like to submit a minority report and verified that they would have two weeks from the date of approval to submit their report. She requested that the minority report be incorporated into the Strategy and Biennial Report. She asked that footnotes be added to the Strategy and Biennial Report that will reference their minority report as appropriate. Mr. May recommended they post an updated version of the approved plan on the website the following day. He added that in the past the minority report has been printed as provided and has been included in an appendix. Ms. Lorion said the minority report could be included at the end in the same typeset with footnotes in the sections referenced by the minority report. Ms. Allbright asked Ms. Lorion to coordinate with the staff and asked if there were any objections to the tribe's request. There were none. Mr. Mariner excused himself from the call.

Science Coordination Group (SCG) Report

Mr. Salt reviewed the Power Point presentation (Encl. 5) previously provided in the read ahead material. He said that it represents a summary of the text in the draft Plan to Coordinate Science (PCS). Mr. Ken Haddad very much wanted to provide this presentation but was unable due to a scheduling conflict. Mr. Salt said that he did not believe there was any daylight between the managers and the scientists in this report. He noted that Mr. Ortner was a key technical member of the SCG. He said the SCG prepared recommendations for Task Force approval. Those recommendations appear in bold print in the PCS. He said that if the Task Force approves a recommendation, then the font and text will be changed accordingly. He noted that the draft PCS responds to the guidance from the Task Force in the SCG charter and identifies critical science needs and gaps and coordination activities to fill those gaps. He explained that a need is a technical matter, process or phenomenon that needs to be understood to support the restoration goals. A gap is a need that is not being sufficiently met. The SCG focused on identifying vital needs and gaps at a strategic level and based the scope of the effort on the Task Force goals and objectives. The SCG is proposing to complete this analysis in two phases. The draft PCS represents Phase I and consists of applying this approach to two areas. Phase II would be completed with the next cycle of the Strategy. The SCG used two conceptual ecological models (Florida Bay and Total System) to determine the strategic needs and gaps. He reviewed the slide on conceptual ecological models and noted that the arrows represent a scientific hypothesis that links a driver and stressor or stressor and ecological effect. The SCG used these models as the lens to identify the strategically important elements of science. This allowed them to think more programmatically and strategically on the elements of the entire science effort that would be important at the Task Force level. The bulk of the conceptual ecological models are being peer reviewed and the results will be published in a peer reviewed journal.

The first gap for Florida Bay refers to the science identified in the Florida Bay and Adjacent Marine Systems Strategic Plan. The second gap discusses the scope of monitoring for this region in the RECOVER Monitoring and Assessment Plan (MAP) and the third gap discusses the Florida Bay and Florida Keys feasibility study with respect to a water quality module that is being considered for inclusion. In all three cases, the SCG recommended that the Task Force review the status of the gaps similar to the discussion of the CIWQFS. He said that it would be helpful for the Task Force to get a briefing on these gaps. Ms. Lorion said that in reviewing the GAO report that led to this plan, specific gaps had been identified for projects that were soon to be completed. They were concerned about Modified Water Deliveries flows, tree islands, contaminants from the C-111 project. She said she did not see these specific gaps referenced

in the plan. Mr. Salt replied the SCG's focus was on programmatic gaps and strategic science but that wouldn't necessarily exclude the kinds of issues Ms. Lorion was raising.

Mr. Salt noted the analysis of the Total System model was an initial review. In addition to completing the review of the Total System model they would also review the remaining conceptual ecological models in Phase II. Ms. Lorion noted the tribe has raised concerns about things that need to be focused on now like the pre-CERP projects. Mr. Ortner said that he agreed 100% that the context of the pre-CERP projects was important. The set of concerns Ms. Lorion raised and the possible impact of altering the nutrient loading and introducing contaminants were the context in which they sorted out the priorities. It would be helpful and beneficial to have Task Force attention to these issues since they have to happen without interruption. Ms. Lorion asked if the Task Force makes recommendations would it also have to identify funding. Mr. Ortner clarified that it wouldn't necessarily mean more funding for the SCG, but might help the Task Force help the agencies to secure funding for the projects and efforts that implement the actions. These multi-year budgets require constant attention, especially at the Task Force level. Mr. Salt said the essence of the recommended action is to have the entities responsible for these items come and lay this out for the Task Force at the meeting in December.

Ms. Lorion said the tribe's concern is that the specific things the GAO pointed out have not been specifically addressed. Mr. Mike Collins said most of what is in the MAP is being monitored already. He said it was not the role of the Task Force to start directing the budgets of the state entities or the Water Management District. He would like to see the document better focus on the actual existing gaps and make some recognition of the fact that half a billion dollars has been spent on science. He did not see a line between what has been learned and what they are trying to learn. Mr. Salt said they did try to narrow the focus down. The SCG acknowledged that the current draft does not reflect the significant effort that has been undergone up until now. Mr. Collins also said that maintaining the current scope and schedule did not seem like a gap to him. He understood the concerns with nutrient and contaminant inputs, but they are already aware of it and are monitoring much of it. Mr. Ortner said that the MAP plan is not self contained and depends on other agencies continuing to monitor things encapsulated into the plan but not paid for by the plan. Mr. Collins said it should say that. Mr. Salt said the SCG did not identify issues or problems for the Task Force to make some sort of corrective action on. Mr. Collins said he was fine with that and added that the editorial comments detracts from the focus of what the actual gaps are and raises credibility issues.

Mr. Salt continued his presentation with the system-wide needs, gaps and actions. The SCG identified a number of needs but concluded there were only two gaps as part of the initial review. The first gap was completing the CIWQFS. The SCG recognized the system-wide importance of pulling all the technical information together. The second was maintaining the current scope and schedule for the RECOVER MAP. Mr. Ortner emphasized that these were initial gaps and Phase II activities will begin by continuing the work on the Total System Model given that it is just being finalized.

Under the heading of Science Applications Mr. Salt noted the need to develop system-wide indicators. He said the team was gratified that the Task Force in its review of its Strategic Plan had come to the same conclusion and recommendation. The next two gaps deal with improvements to the Natural System Model (NSM) which is an important tool in assessing restoration progress and the Conceptual Ecological Model for the Florida Keys. The next topic Mr. Salt addressed was Ensuring Quality Science. Three gaps were identified. System-wide protocols for organizational programs enhance system-wide information sharing processes and processes for tracking and reporting the status of the plan.

Ms. Lorion asked whether they would go through each recommendation one at a time or as a whole. Ms. Allbright said they were hoping to approve it as a whole once the revisions are made. Ms. Lorion asked that the exact recommendations be provided on a separate sheet. On the quality protocol and independent review they are concerned that the tribe as a sovereign government may not want to be subject to other governments telling it what to do. Mr. Salt said that is an important point and that the Task Force does not have the authority to compel anyone to do anything. In the context of coordinating, the SCG thought it would be useful to have a discussion of what is meant by quality science and come up with a set of things that everyone would agree to such as a common understanding of their expectations. It is just being identified as an important area at this point.

Mr. Salt said the SCG was expecting to take all the comments provided and revise the text. Ms. Allbright asked about the deadline. Mr. May said the Committee language asked that the PCS be submitted at the same time as the Strategy and Biennial Report. Ms. Allbright asked Mr. Salt to revise and re-circulate the document. Members will be polled for a possible conference call before the December meeting. There was no objection to proceeding in that manner. Ms. Allbright thanked all the members of the SCG on their tremendous progress. Ms. Lorion asked whether the members credentials could be included.

Combined Structural and Operational Plan (CSOP) Performance Expectations

Ms. Allbright reported that on July 30 the CSOP Advisory Team unanimously adopted a team statement concerning expectations for success, assumptions and CSOP performance expectations. Ms. Carol Rist, the team's chair, forwarded the statement which had been provided in the read ahead materials. On behalf of the Task Force, she commended the team for working through some very complex and challenging issues. She noted the diversity of the stakeholders and said they worked hard to resolve the competing and conflicting interests and had done a wonderful job. She asked if there were any observations or comments about the statement. There were none. Ms. Allbright said that if there were no objections, then she would recommend that they accept the team statement and forward it to the Army. There were no objections.

Public Comment

None

Mr. May reviewed the details for the December 2-3 Task Force meeting which will include a joint session with the Water Resources Advisory Commission (WRAC). He noted that the Coral Reef Task Force was scheduled to meet in Miami on the same dates. Ms. Allbright asked Mr. May to look into the possibility of switching the Task Force meeting dates to de-conflict the two schedules. Mr. Lehtinen joined the call. Mr. Dean gave Ms. Rist kudos noting the team statement reflects her hard work.

Meeting adjourned at 2:30 PM.

Enclosures:

1. Agenda
2. Meeting Minutes/summaries
 - a. May 4 – 5, 2004
 - b. August 3, 2004
 - c. August 6, 2004
 - d. September 8, 2004
3. CIWQFS Presentation
4. Draft Strategic Plan and Biennial Report
5. SCG Presentation
6. Draft Plan to Coordinate Science
7. CSOP letter and Performance Expectations