

**Joint Meeting Minutes
December 6, 2006**

This report summarizes the **December 6, 2006** Joint WRAC/South Florida Ecosystem Restoration Task Force (Task Force) meeting, held at the Casa Marina Hotel, Key West, FL

JOINT WRAC/TASK FORCE MEETING: 1:30 – 5:45 P.M.:

- **Land and Water Use Conservation Tools:**
 - Concern: look at “Severable Use Rights” – need to have a “receiving area” and pay fair market value.
 - Re: Rural Land Stewardship Program – need to take larger view of landscape to get better habitat and resource conservation. Need to tighten up the state statutory language in this program.
 - SFWMD will have public workshops on the Regional Water Availability proposed rules, similar to workshops used to develop the “B-List” rules.
 - SFWMD, DEP and Governor thanked for process undertaken to revise the Environmental Resources Permit rules, and the Regional Water Availability rules.
 - Concern about applicability of these tools in Broward County (re: “Home Rule” provisions of Florida Constitution).

- **Florida Bay/Florida Keys Water Quality:**
 - Concern about impacts of harmful algal blooms on resources we’re protecting.
 - Indications that many blooms caused by discharges of freshwater (e.g. Hurricanes, tropical storms, etc.).
 - Need to look at impacts of algal blooms on mangrove habitat and possible displacement of nursery habitat.

- **Presentations on Interim Goals and Targets Agreements, Modified Water Deliveries and C-111 Spreader Canal.**

- **Presentations on Lake Okeechobee Regulation Schedule and WRAC Lake Okeechobee Committee report (included in packaged).**

*Approved Meeting Minutes
South Florida Ecosystem Restoration Task Force
Key West, Florida
December 7, 2006*

Opening Remarks and Administrative Items

Ms. Onley called meeting to order at 8:40 AM. Ms. Onley thanked Mr. Billy Causey for organizing the social. She recognized Ms. Colleen Castille with a certificate for her work on the Task Force and read a Presidential message thanking Ms. Castille for her efforts in saving the environment. Ms. Castille said she has been given the opportunity to follow her passion in preserving Florida's environment.

The meeting minutes from September were approved as presented. Ms. Onley announced that in 2007 the meetings would include getting out into the resource and noted the the next meeting will include a trip to the Kissimmee River . Ms. Castille suggested going to the Picayune Strand.

Kameran Onley, Chair, U.S. Department of the Interior

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

Merlyn Carlson, Deputy Under Secretary for Natural Resources and Environment, U.S.

Department of Agriculture

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

Craig Schmauder J.P. Woodley, U S. Department of the Army

Jose "Pepe" Diaz, Commissioner, Miami Dade County

Gene Duncan for Dexter Lehtinen, Special Assistant to the Miccosukee Tribe of Indians

Matt McKeown, Principle Deputy Attorney General, U.S. Department of Justice

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

Patty Power for Jim Shore, Seminole Tribe of Florida

Carol Wehle, Executive Director, South Florida Water Management District

Jim Giattina for Benjamin Grumbles, Assistant Administrator Office of Water, U.S.

Environmental Protection Agency

Michael Collins, Water Resources Advisory Commission

Task Force Member Whiparound

Mr. Jim Giattina noted Ben Grumbles regrets for not being able to attend. He said that EPA had received significant comments on the Lake Okeechobee tributaries and the public comment period was extended until the end of May.

Commissioner Jose Diaz said Miami Dade County is working closely with many programs such as reuse and water quality. He wished Ms. Castille well.

Mr. Jim Murley noted Ms. Castille served as both the Secretary of Community Affairs and DEP. He reported that the state Department of Transportation is involved in a new corridor initiative and would approve some conceptual new corridors that include SR 29, US 27, corridor across north of the Lake from Lake Ft Pierce to Sarasota. He thought these could have major impacts on the ecosystem. He suggested getting linked into that process and perhaps having discussions at a future meeting.

Mr. Matt McKeown noted he has worked with Ms. Castille over the last year and wished her well. Mr. Michael Collins also extended his thanks appreciation to Ms. Castille. Ms. Patty Power noted Mr. Jim Shore regrets for being unable to attend.

Mr. Mr. Tim Keeney thanked the Task Force for having their meeting in Key West and encouraged them to have a future meeting here. He announced that Mr. Peter Ortner would need to be replaced as NOAA's Science Coordination Group (SCG) representative because he has taken a position with the University of Miami. He wished Ms. Castille the best.

Mr. Carlson also wished the best of luck to Ms. Castille. Mr. Carlson reported that USDA will be spending over \$10 million in the Wetlands Reserve Program and \$20 million for EQIP among many other ongoing efforts. Mr. Craig Schmauder said that Mr. Woodley and Mr. George Dunlop wanted to express their appreciation to Ms. Castille. He said the process for a WRDA bill would begin in January.

Ms. Carole Wehle announced the SFWMD has certified the three new STAs as flow capable. She said the Governing Board authorized the contract for the S-12 D project and they are still on schedule to begin the cleanout and removal of vegetation. Substantial progress has been made in selective clearing of the property south of the culverts and they will be able to restore some flows there. She provided the members with a copy of a letter and resolution noting the concern of the Governing Board related to the Bold DECOMP and the Science Plan. She noted that they have a process in place and urged the Task Force to respect that process as changes are recommended in the future. There is also concern with the Science Plan that because of lack of funding in the federal government for scientific investigations. This document may create an expectation on the part of the public and interest groups that all of the science will be done. She added that there may be a tremendous amount of pressure and lobbying to fund these investigations. She requested time on the next agenda for a presentation on the actual scientific investigation program that the SFWMD is currently undertaking as well as a presentation on the monitoring program. She added that they are spending a substantive amount of money and the document, while not the intent, may create a fiscal impact.

Ms. Castille thanked everyone for the opportunity to restore and protect the land that she loves so much. She encouraged them to seek progress over process and that although CERP is a thirty-year plan this ecosystem cannot wait. She recognized the Acceler8 program which is enabling the panthers and sheet flow to return to the area as pictures are demonstrating. Ms. Wehle recognized the strong relationship between DEP and the SFWMD. Ms. Onley said that both items are on the agenda and she looks forward to the discussion.

Corps Update

Mr. Dennis Duke reviewed the accomplishments over the last 90 days which included submitting the Five Year Report to Congress, posting the draft SEIS for the Lake Okeechobee Regulation Schedule, initiating startup operations for Lake Okeechobee Critical Projects and issuing a permit for road removal in Picayune Strand. For the next 90 days the Corps plans to have the Chief's Report for Site 1, release the final PIR/EIS for the Broward Water Preserve Area, complete construction of PSTA field test and complete the Interim Goals and Targets agreements among many other items.

Acceler8 Update

Mr. Ken Ammon reported they received \$546 million in Certificates of Participation (COPs) that were sold on Wall Street with AAA and solid AA ratings. He said this is first time in history that COPs will be used for environmental restoration and they are hoping this will start a trend across the U.S. He said they got a \$26 million premium and had about \$159 million in construction contracts. He reviewed the current status of each of the projects reviewing the schedules, costs and issues. In 2007, they will have about \$663 million worth of construction ongoing and they will be pushing out \$2 million a day in contracts.

Mr. Gene Duncan asked for the meaning of flow capable. Ms. Castille said that was a legal question that they were unable to answer. Mr. Ammon said the percent complete numbers on the slides have now been updated.

Action Items

Plan for Coordinating Science

Mr. Rock Salt noted the SCG had been tasked in its charter to pull this report together that came from a directive from Congress driven by a GAO report. Phase I, which was completed two years ago, was peer reviewed and those comments have been incorporated. He noted that unlike other plans this is a coordination plan and the end state is how they work better to coordinate these things. They have included language in the Executive Summary and in other places to emphasize the use and purpose of this document. The intent is for the document to be a reference document that could be used by agencies and others and it recognizes and respects individual agency activities and procedures. He reviewed the document and presented it for Task Force action and or guidance.

Mr. Collins stated that from the Governing Board's perspective this document constitutes a massive overreach and that when the GAO report was presented to this group he objected to it then. Their role is to restore the hydrologic integrity of the Everglades and they are creating expectations and if they don't do this work they will be accused of not doing what is necessary to restore the Everglades. He said more money has been spent on research than on projects. The SFWMD has spent over \$300 million on monitoring since WRDA 2000. He agreed some oversight is necessary but this document does not do that. The needs and gaps will change before they get to fund any of this. He said the District peer review's everything they use and they have a RECOVER plan. Mr. Duncan said he agreed with Mr. Collins adding it is a giant wish list. They don't have enough time and money and they have to prioritize what they will be doing.

Ms. Onley noted the report is responsive to the congressional request and they need to submit a report. She suggested a subgroup of the principals meet prior to the February Task Force meeting. Mr. McKeown said that it would be good to know the history and what Congress directed the Task Force to do and he requested to see the original documents.

Consultation

Report from Working Group

Mr. Ammon reported the group met in October and were consulted on the Lake Okeechobee Watershed and on the Melaleuca Eradication PIR. For the Lake Okeechobee project there are concerns with storage and treatment before water enters the lake and that it meet TMDLs. Alternative 11 was selected from among the three top alternatives at a cost of \$1.5 billion. The alternative consists of the Lake Ikstopoga regulation schedule change, Paradise Run wetland restoration of 3,700 acres and water storage and treatment with the reservoirs providing 272,000 acre feet of storage with STAs constructed over 12,000 acres of lands that need to be purchased. The Working Group concluded this is a good project and this plan would remove 74 metric tons of phosphorous, which exceeded Yellow Book expectations. The Melaleuca Eradication project is in a scoping phase and calls for mass rearing, field release and monitoring of approved biological control agents for Melaleuca and other exotic plants. This is a broad initiative to ensure that invasive exotics are considered in any restoration effort associated with CERP and the purpose is to enhance biological control efforts, reduce reproductive and growth capabilities of targeted invasive plants and utilize and enhance biological control programs to be identified. Working Group supported the PIR.

The Working Group identified potential solutions for the basin by basin challenges and he presented the summary to the Task Force for review and feedback.

Long Term Restoration Issues

Critical Habitat Designation/Cape Sable Seaside Sparrow

Mr. Paul Souza said the FWS is 100% behind Everglades restoration and they are fully committed to working with all the partners. They are entrusted in implementing the Endangered Species Act and he said he believes Everglades restoration is consistent with threatened and endangered species recovery. He noted that if the functionality of the ecosystem is restored then the quality of the habitat will also be restored. The science is clear that there is a transitional period of uncertainty and they need to ensure they don't have a negative impact on a species. He provided a presentation reviewing the sparrow science, critical habitat designation process, opportunities and challenges as well as the current status of the sparrow. Mr. Collins said the entire system was under stress due to natural events, such as Hurricane Andrew, that was not due to water management decisions from 1981- 2006. Ms. Wehle asked whether there were negative impacts to other species. Mr. Souza said the sparrow is the least resilient of all the species they have. He reviewed the current status of the three sub populations noting sub population B is the healthiest and subpopulation E is the second largest. He noted the Avian Ecology Workshop concluded that Everglades restoration would benefit the sparrow as well as three other species. He noted they are proposing to have the boundary revised for the sparrow and the public comment period will close on January 2, 2007 and the draft will be in the federal register in the spring 2007.

Mr. Duncan said birds that have been banded have been found in different areas and he questioned the purpose of protecting a particular habitat to the exclusion of everything else. Mr. Souza said they did see the population decline since the jeopardy opinion but they have now seen some resilience and believe it is a function of natural conditions. He encouraged everyone to provide comments. Mr. McKeown said the public participation process could be used to make the case that CERP, when executed properly, would not cause an adverse effect to the critical habitat. Ms. Wehle said that if they want to restore the flows to ENP and it has a negative impact to area A but the project would create new habitat for the sparrow elsewhere in the park, she asked whether that would be an acceptable outcome. Mr. McKeown said it would depend. Ms. Onley added that these are the kinds of conversations that they need to have. Mr. McKeown said they needed to discuss adverse modification. Mr. Souza said he is available to discuss this issue in greater detail with any of the members. Mr. Duncan said this issue is affecting everything and has possible implications to Everglades restoration.

Bold DECOMP

Mr. Dennis Duke reviewed the original DECOMP Yellow Book Plan and the bold concept which would enable them to move forward. He noted the DECOMP PIR has been underway for several years but the progress has been slow. They will continue with the PIR and look at alternatives. The bold plan is not intended to replace the original plan but will be considered as one of the alternatives. The next step is to get feedback from the Task Force and work with the SFWMD to evaluate the input. Mr. Salt reviewed the actions of the committee, which had five meetings. The committee did not attempt to develop a consensus but identified feedback and concerns which he presented to the Task Force for further guidance.

Ms. Wehle asked whether they could come up with numbers showing which projects these replace adding they need to know whether this would provide a cost savings. Mr. Duke noted the concept as proposed is twice as expensive as the Yellow Book. Ms. Castille asked what the environmental benefits are. Mr. Ammon said that would be determined by the PDT process. Mr.

Duke said the two main benefits compared with the Yellow Book plan is not having to enlarge the North New River Canal and bring in filler material. Mr. Salt said that what remains is related to the benefits of the pipeline since the southern end is what was intended all along. Ms. Wehle said they do not have the capacity to treat 50 ppb and the cost of producing treatment facilities needed to be factored in or creative solutions of using publicly owned land. Mr. Salt clarified this is water that currently has to be treated to 10 ppb as part of CERP. Mr. Diaz said the water has to be treated and this could create more flooding problems. Ms. Wehle encouraged them to have more leadership and involvement from a senior level and they need to be engaged at a much higher level throughout the PDT process. Mr. Duncan said the 10 ppb is based on a peak based Everglades system and is not an appropriate number for all of south Florida.

Natural Lands Report

Ms. Theresa Woody noted the team met to identify the challenges of applying multiple funding sources and programs to land protection projects. She said they identified five challenges and possible solutions. They participated in the Public Acquisition and Management Conference and exchanged ideas. As a result of these meetings the NRCS and SFWMD are working with Palm Beach County on a WRP application to restore wetlands on a county property that was previously in agriculture. The restored wetland will enhance the Loxahatchee watershed which is within the Northern Palm Beach County CERP project. FL DOT is working on a report called Protective Species Conservation Land Assessment and has asked for GIS data on conservation lands that are currently protected or scheduled for future protection and they have provided the data.

Public Comment

Mr. John Adornato (NPCA) extended NPCA's thanks to Ms. Castille. He invited everyone to attend the Everglades Coalition Conference in January to be held at Shingle Creek. NPCA wants to protect the sparrow while restoring the Everglades and they think it can happen. The way to fix it is by restoring natural water flow from WCA 3A to 3B to ENP. The plan that the Corps is proposing only provides 55% of the flow into northeast Shark River Slough and that is why they need DECOMP to move forward. He asked the Task Force to urge the PDT to add this as one of the alternatives and urged that water storage and treatment be added.

CPT Ed. said there needs to be a balance between research and action. They need targeted science and not esoteric research. He urged them to put it, to the extent they could, back the way God made it adding this is the only group that could deal creatively with these conflicts.

Mr. Dan Clark (Cry of the Water) said he still had questions with regards to what happens to the water once it goes to the southern end of the system adding that it seems like a better alternative than it coming down the New River. He noted they weren't on the list for these workshops and asked that he along with the Technical Advisory Committee be added.

Mr. Patrick Hayes (Martin County Soil and Water) said that where the water goes was not their focus and they need to be focusing on ecosystem restoration, watersheds, rivers, deltas and estuaries. They no longer have seagrass beds in the St. Lucie estuary which is at the mouth of one of the most bio diverse systems in North America and as a result many species have been lost in these coastal estuaries.

Mr. R.L. Blazeveck (Key West resident) said that he has been a resident for fifty years and there are more problems than time and money can solve. The city has gone from 55,000 to 23,000 residents and almost 90% of the original residents have left. He said that advanced wastewater treatment does not remove soaps. He said that of the many meetings he has attended attendance from the public is low and materials are often not provided in hard copy format.

Mr. Billy Causey stated that the City has taken a step forward to deal with water quality issues. Ms. Kameran noted they would have public comment after every agenda item allowing for more interaction. She thanked Ms. Castille adding that many friendships had been forged.

Meeting adjourned at 12:20 PM.

Enclosures:

Joint Session Presentations and Handouts

1. Florida Land and Water Use Planning and Conservation Tools
2. Chip Merriam's Florida Bay/Florida Keys Presentation
3. Billy Causey's Florida Bay/Florida Keys Presentation
4. Interim Goals and Interim Targets Agreements Update
5. Modified Water Deliveries (MWD) Update
6. C-111 Spreader Canal Update
7. Lake Okeechobee Update

Regular Meeting Presentations and Handouts

8. Briefing Binder
 - a. Regular Agenda
 - b. Draft Meeting Minutes, September 2006
 - c. Task Force Roster
 - d. 2007 Task Force Meeting Calendar
 - e. Corps Update
 - f. Acceler8 Update
 - g. Plan for Coordinating Science
 - i. Power Point Presentation
 - ii. Draft Plan
 - h. Draft Basin Solutions
 - i. Bold Decentralization (DECOMP)
 - i. Power Point
 - ii. Feedback to the Army on Concept
 - iii. Cape Sable Seaside Sparrow Power Point