

*Approved Minutes  
South Florida Ecosystem Restoration  
Task Force Meeting  
SFWMD - West Palm Beach, FL  
September 20, 2006*

**Introduction and Opening Remarks**

Ms. Kameran Onley called the meeting to order at 1:05 PM. She recognized Ms. Maureen Driscoll and Mr. David Brown from GAO. She noted that Congress recognized that the Comprehensive Everglades Restoration Plan would need to adapt as new information became available. As this new information becomes available she commended the identification of challenges associated with it and the implementation of Everglades restoration and she challenged everyone to also identify the means of addressing those challenges. She highlighted the new format for Task Force agendas and noted reviewed the four key areas: quarterly updates, action items, consultation and long-term restoration issues. Ms. Colleen Castille said the new format was really good because it identifies: where we are, what conflicts we have to resolve and how we can move forward. The minutes from the May meeting were presented. Ms. Colleen Castille made a motion to approve the minutes which was seconded by Mr. Matt McKeown. **The minutes were approved as presented.**

*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*

*Billy Causey for Timothy Keeney, Deputy Assistant Secretary for Oceans and Atmosphere, U.S.*

*Department of Commerce*

*J.P. Woodley, U.S. Department of the Army*

*Roman Gastesi for Jose "Pepe" Diaz, Commissioner, Miami Dade County*

*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*

*Benjamin Grumbles, Assistant Administrator Office of Water, U.S. Environmental Protection Agency*

*Michael Collins, Water Resources Advisory Commission*

**Whiparound**

Ms. Onley announced that the Secretary of Interior and the EPA Administrator would be in Orlando the following Monday for a listening session on Cooperative Conservation.

Mr. Roman Gastesi relayed Commissioner Diaz's regrets due to a conflict with the last Miami Dade budget hearing and he extended his welcome to COL Grosskruger. He said Dade County remains concerned with the federal budget and is committed to continuing to work with the member agencies.

Mr. Ben Grumbles emphasized his support for CERP and Acceler8 moving forward as well as all the other great work that is being done.

Mr. Dexter Lehtinen stated the Miccosukee Tribe is concerned with the water quality implications of new Lake Okeechobee regulation schedule while recognizing the safety concerns with the Herbert Hoover Dike. He reemphasized the importance of the Comprehensive Integrated Water Quality Feasibility Study (CIWQFS) and keeping it moving forward. He concluded by saying that in the Strategy and Biennial Report the Tribe believes in a number of places the water quality comments are weak and there is too much reliance on TMDLs.

Mr. George Dunlop announced the new WRDA bill is in conference and added the conferees were unsure how to address Modified Water Deliveries (MWD) which is the lynchpin to Everglades restoration. He said he was hopeful that it would be enacted by the end of the month.

Ms. Carol Wehle reported since the last Task Force meeting that the SFWMD had a ground breaking ceremony for the Everglades Agricultural Area (EAA) Reservoir and COL Grosskruger delivered the 404 permit for the removal of 60 miles of road in the Picayune Strand project.

Mr. Mike Collins reported the Water Resources Advisory Commission (WRAC) met at least a dozen times and they share the concerns of the Miccosukee Tribe with the lake schedule in addition to concerns with water supply and the use of forward pumps to lower the lake more than its ever been lowered before. They would have missed the minimum flows and levels for the lake 22 times in a 36 year period of record under the Corps' proposed plan. He added they do not have a recovery plan for the lake because they never thought they would get there. There were also stakeholder concerns with a taking situation with the Snail Kite. Mr. Paul Souza addressed the board on the issue and they may have a solution. He stated the strong consensus that if USFWS raises concerns at a level larger than anticipated then the process will have to be redone.

Ms. Patty Power noted the Seminole Tribe shares similar concerns with the Lake Okeechobee regulation schedule adding it is the "heart of the system". She suggested a great future topic would be the impacts of modeling on CERP moving forward. She said the Seminole Tribe is working with USDA in cooperation with NRCS on two projects on the reservation.

Mr. Billy Causey sent Mr. Keeney's regrets. He announced the Florida Keys National Marine Sanctuary (FKNMS) Headquarters has moved from Marathon to Key West and includes a world-class interagency Eco-Discovery Center. He said the grand opening is scheduled for January 13, 2007 and he offered a special preview in conjunction with the December meeting. He thanked Greg May, Rock Salt, Dennis Duke, Tom VanLent and Jerry Lorenz for the excellent panel discussion at the Sanctuary Advisory Council meeting. He reported that the feedback from the Advisory Council and others was that this was the most balanced and knowledgeable panel discussion to date. He announced

that Secretary Gutierrez participated in a Cooperative Conservation Listening Session in Miami and that Commander David Score will serve as the new superintendent of the FKNMS since he is now the Regional Director.

Mr. Jim Murley noted that Mayor Anthony sends his regrets and regards.

### **Quarter in Review and Quarter Ahead**

#### *Corps Update*

Mr. Dennis Duke provided a presentation reviewing the accomplishments over the last 90 days which included completing: the draft EIS for the Lake Okeechobee Regulation Schedule Study, the Lake Okeechobee Critical Project and the Taylor Creek and Nubbin Slough STA. He said the first PIR on Site 1 passed the Corps Civil Works Review Board and permits were issued for the EAA Cell 1 and Picayune Strand road removal Acceler8 projects. In the next 90 days they plan to have the Interim Goals and Targets Agreements signed, complete the Guidance Memoranda and continue to consult with the Working Group on the scoping and formulation phases of the PIRs. They also plan to complete the restoration of the bench and toe drain for the Herbert Hoover Dike and get additional repairs under contract. Major events scheduled for 2007 include completion of 8.5 Square Mile Area (SMA) project, Tamiami Trail design modifications as well as completion of a revised draft PIR for the EAA to incorporate a larger STA and a revised water budget analysis and initiation of the CIWQFS.

Mr. Collins said that if the Senate version of the WRDA goes forward then the state would take a dim view of cutting back on projects. And if Congress is not going to proceed with MWD then the state needs to re-look CERP's programmatic costs. Mr. Duke explained that it will have an impact on CERP and that significant decisions will have to be made about the priorities.

### **Decompartmentalization (DECOMP)**

Mr. Duke said there have many concerns about DECOMP and restoring the heart of the Everglades. Challenges include performance measures north versus south of Tamiami Trail, S12s, IOP, CSOP and other special operations. He presented a concept plan that currently has no administration approval and said they wanted to make sure that as they consider it they do so in a holistic way to address everyone's concerns.

Mr. Dunlop said in accordance with the Chair's desires they want to make sure the Task Force meetings focus on the important policy issues. The Army came up with the idea of banding in order to achieve short term gains and the State of Florida initiated the Acceler8 program to immediately begin work on eight projects. The Army has been challenged to think strategically and have more adaptive management. The National Academy of Science (NAS) Report will ask to see more measurable outputs. As a result there is a reorganization to enable the Corps to deliver measurable construction projects. In addition to the reorganization they are now looking to see whether projects are sequenced and configured properly. The intent is to share the current thinking on the DECOMP project for consideration and discussion. He said it was an idea for consideration and not a done deal.

Mr. Duke reviewed the historical and current flow patterns through the Everglades and explained that MWD will reconnect 3A and 3B. He reviewed the DECOMP as planned in the Yellow Book that is designed to allow return of sheetflow throughout WCA 3A recharging 3B and Northeast Shark River Slough. Current issues include: lack of consensus on handling restoration trade-offs; uncertainty on how to quantify benefits of sheetflow and evaluate cost effectiveness; and construction timing and sequencing.

The Miami Canal backfill proposal which will disperse across the entire northern end of the Everglades. Two pump stations will put water not coming out of the STAs into two or three large steel pipes sunk into the Miami Canal and covered with earth. It would deliver water into Broward and Miami Dade counties and water would flow under the Everglades and the north New River would not have to be enlarged. A natural landscape would be established and the pipes will provide a continual stream of water that no longer goes out into the estuaries. The plan will restore the natural sheet flow patterns in the WCA 3A and meet the savings clause needs for water supply for Broward and Miami Dade counties. The WCA's will have better water quality inputs and there will be less overloading of STAs. The lower DECOMP Plan will address flow patterns and ponding in lower end of WCA 3A and reconnect the system more boldly than MWD. It will take water control out of S12s and allow the system to recover and flow naturally. The challenges include whether they have enough water until they develop the additional storage. The cost estimate ranges from \$1 billion to \$1.5 billion.

Ms. Castille thanked the Corps, ENP and others for providing this plan and said it was bold and gutsy. She acknowledged they did not have all the answers and she hoped that everyone would accept it as an opportunity to give constructive comments and ask questions. Mr. Dan Kimball said that MWD is the lynchpin to the restoration of the Everglades and they spend a lot of time focused on this project. But they need DECOMP to achieve the benefits they need. He thanked Mr. Dunlop for being the catalyst for this conceptual idea and added that ENP is excited about this effort and ready to engage in discussions. Ms. Onley suggested they form a committee to explore this idea further and have the results presented at the December Task Force meeting. Mr. Collins said they cannot allocate that water under permit because there is no water left to be allocated out of Lake Okeechobee. He asked that as they moved forward to be careful not to describe water quantity benefits to Dade County that don't exist. Having said that he said they were doing a wonderful job and they will do everything they can to help.

#### *Acceler8 Update*

Mr. Ken Ammon said there are currently eight project components under construction with a total value of \$590 million. To date \$80 million worth of construction and \$50 million worth of design work has been completed. They have acquired permits for 13 projects, created 120 new local jobs and contracted and solicited over 280 local businesses. He reviewed the current status, costs and pictures for each of the projects which included the completion of the EAA test cell and the C-43 and C-44 test cells which are being monitored and tested. Construction is 50% complete on STAs 2, 5 and 6 expansions and all are expected to be flow ready by the end of the year. The Picayune Strand road removal contract has been let and is beginning. Upcoming activities include

transitioning eight construction projects into operations mode. They will also start construction on 17 projects/components. Ms. Wehle noted they are voluntarily Davis Bacon compliant with all their contracts.

#### *Report to Public*

Amanda Taylor presented a draft CERP Report to Public. It is the first in a series of annual reports and will answer what CERP is, why CERP is needed, where the Everglades and CERP are located and which projects are components of CERP. The report is required by the programmatic regulations and is being co-developed with the SFWMD. Data was pulled from the 2005 Report to Congress and the 2005 Annual Report to OMB. It will be a tri-fold brochure written in several languages that will be an insert in local newspapers.

#### **Action Items**

##### *Task Force Strategy and Biennial Report*

Mr. Greg May presented the draft 2006 Strategy and Biennial Report dated September 8, 2006. He explained that the reports are required by Congress and have been consolidated into a single document (Volume I). This year the members reported 211 projects with a reporting period through June 2006. He said that the reports dated September 8 are the third draft. In general all of the comments received on the first two drafts were included with two exceptions. The Miccosukee Tribe submitted comments after the comment period ended for the second draft on afternoon before the third draft was distributed. Many of the Tribe's editorial comments were included in the third draft while substantive comments requiring further discussion were consolidated on a separate paper provided in the briefing booklet. John Marshall submitted public comment and suggested adding another objective that would require the Task Force to ensure that state and local land use and management were compatible with restoration. Mr. May said the word ensure was problematic because it implied an oversight role rather than a coordination role. The Task Force coordinates with local and state governments and provides the information they need through coordination documents like the Land Acquisition Strategy so they can make sure their actions are compatible with long term restoration. Related to this a resolution from the Everglades Coalition was presented at the May Task Force meeting asking the Task Force to develop a Strategic Plan for the EAA. Lee County subsequently provided a similar request. Mr. May again noted the role of the Task Force as a coordinating body but said that if Palm Beach County wanted to initiate such a study the TF or WRAC could participate. He then reviewed the Task Force protocol regarding consensus and voting.

Mr. Collins said that in passing the state's Everglades legislation the legislature was specific about not getting into local land use decisions. The studies being asked for the EAA have been done twice first by the Governor's Commission and then by the SFWMD. The problem is that the Coalition and Lee County don't like the answer even though it is science based. The analysis is conclusive that the water higher up in the system needs to be cleaned up and stored. It is something that Palm Beach County and DCA need to discuss. Mr. Gastesi supported Mr. May's comments regarding coordination and information noting that Dade County passed a tax to acquire land in the

south Dade wetlands in partnership with the SFWMD. **Ms. Onley asked for Mr. May to draft a response to the request from Lee County.**

Mr. Lehtinen asked about the procedure in arriving at the current draft of the Strategy and Biennial Report which Mr. May reviewed. Ms. Onley took a straw poll noting that with the exception of the Miccosukee Tribe the members would approve it as presented. Mr. Lehtinen said the bulk of his comments could be provided as footnotes and a minority report but he asked for discussion on three or four of them.

Mr. Lehtinen presented an orange sheet and noted the lack of reference to the CIWQFS which was promised to Congress in 1999 Task Force letter which was subsequently incorporated in CERP. He suggested adding the last sentence on the orange sheet to the second paragraph on page 34.

Mr. Lehtinen presented a white paper – top resolution and noted that it is a condition that the long term water quality is to be met in 2006 and specifically referenced the Moreno case. Report only deals with TMDLs and it needs to reflect these specific requirements. Mr. Collins said that as a matter of principle there could be a variety of interpretations and this document could have bearing on a legal issue. He said that as a matter of principle they shouldn't be expected to analyze and consider information presented at the time of discussion. Mr. Lehtinen stated that there are many things contained in this report that are currently in litigation. Ms. Onley tabled the discussion.

Mr. Lehtinen presented a white paper - bottom resolution and discussed compliance with the Clean Water Act and suggested it be included in subgoal 1-B. Mr. Collins said they haven't had the time to have lawyers look at this. Mr. McKeown noted the confusion among the members about how they are handling the comments. Mr. Lehtinen clarified that three of the comments were provided and not included in the current draft.

Mr. Lehtinen presented a blue sheet presenting an issue for the first time that deals with the additional releases from the lake having to go somewhere. The Corps should include in its hydrological analyses where the water would go. He believes the Corps' document provides summary conclusions that do not state where and how much water will go into 3A if any. Mr. Collins asked whether the Corps' regulation schedule go into that level of specificity. Mr. Duke replied no, they are not changing the way water is currently flowing or where it is going. It is the same amount of water going in and out of the system. Mr. Collins said the SFWMD needs to know since they would be help responsible. Mr. Lehtinen said that although a regulation schedule would not include this analysis an EIS does and if it's the same then it needs to be articulated and he asked to see the data in advance.

Ms. Onley summarized that the orange comments will be included in page 34 but that the other issues could be included in a minority report because members did not have an opportunity to review these proposals and the blue paper presented and new issue. There was a motion to accept the reports which was seconded. There was no discussion or public comment. **The members voted in favor of approving the reports with the**

**exception of the Miccosukee Tribe.** Ms. Onley asked for the minority report by October 4 in a Word document. She asked Mr. May to incorporate the changes and provide a new page 34 the following day.

*Plan for Coordinating Science (PCS)*

Mr. Salt presented the current draft of the PCS and recognized members of the SCG who were present. He noted the system-wide indicators were incorporated into the 2006 Strategy and Biennial Report previously approved. He reviewed the four major sections of the PCS which focuses on identifying the needs and gaps. Phase I of the PCS was approved in 2004 and was independently reviewed and those comments were incorporated into this document. He asked for member and public comments that would be incorporated and presented at the December meeting. He reported that the group is also developing a set of recommended SCG priorities for Task Force consideration.

Ms. Castille asked about the cost of implementing the plan. Mr. Salt said many of the agencies are already doing these things and it is a matter of coordinating and folding this into the regular processes. The SCG feels confident that monitoring needs and gaps are being addressed by the RECOVER Monitoring and Assessment Plan (MAP). Mr. Salt said they have a DOI Science Strategy with approximately \$10 million and there are other standing science programs statewide that provide foundation science although it is not Everglades specific. Ms. Castille said that the plan was fabulous but she was not sure how it would get funded. Ms. Wehle said it would be a good idea to prioritize the most important items that could be funded with limited budgets or this would never get done. Mr. Salt said it was never the expectation of the SCG to come to the TF with a list of projects for funding but to identify the gaps and have agencies incorporate them into the science they are currently doing.

*Land Acquisition Strategy (LAS)*

Ms. Theresa Woody presented the updated 2006 LAS presented for acceptance. The strategy outlines land acquisition projects with a federal nexus. The report is required annually by the Task Force and the reporting period is from July 1, 2005 through June 30, 2006. For this year the costs of the remaining lands for CERP have been adjusted in keeping with OMB instructions to the Corps. It also includes the remaining land acquisition requirements for Acceler8. She noted the land acquisition for the Kissimmee River Restoration project is complete. There were no questions or public comments. **The Strategy was accepted by the Task Force.**

**Long Term Restoration Issues**

*USDA's Contribution to Restoration*

Mr. Merlyn Carlson recognized Mr. Ron Marlow, Mr. Niles Glasgow and Mr. Edward Wright. He provided an overview of how USDAs structure and programs. The primary purpose of USDA is to help people help the land and natural resources. The 2002 Farm Bill allowed them to expand their investment to address the conservation of 50 million acres. They invest \$3.3 billion each year and the programs represent a win-win for agriculture, rural communities and natural resources. USDA is looking to the 2007 Farm Program since the old farm bill cannot meet today's needs. There is a lot of talk about

reforms, being greener, enhancing support for the energy concept. He offered the Task Force the opportunity to tour a local farm to see USDA's efforts in action.

Mr. Marlow reviewed the six local initiatives in South Florida which include a biological control program and water conservation program which helps farmers cope with hydrologic changes. Mr. Glasgow reviewed ongoing NRCS activities such as the Environmental Quality Incentives Program (EQIP). A video of USDA's innovative programs was shown. Mr. Gastesi thanked USDA who has provided \$16 million to Miami Dade County. Ms. Onley asked the Working Group to start identifying creative ways to work with these programs.

#### *Aquifer Storage and Recovery (ASR)*

Mr. Bob Verrastro provided an update on the CERP ASR program. He report that the ASR Pilot Projects and ASR Regional Study are moving forward and are intended to answer questions about the ASR technology. Construction is beginning on the Hillsboro and Kissimmee pilot projects. He reviewed the footprints and details on each of the two projects. Both projects are scheduled to be completed in early to mid 2007 and then cycle testing will begin. The Port Mayaca pilot project is a multi well system (three wells) that will operate simultaneously with construction scheduled to begin in 2007.

He reviewed tasks which have been completed which include hydrogeologic framework, seismic surveys and geophysical evaluations. \$30 million has been spent on some projects over the last five years. He said that lack of funding has resulted in some delays in implementation of some of the tasks. He said they developed a report card based on the Working Group's ASR Issue Team list of strategic issues. The pilot projects will be built in 2007 and cycle testing will occur for two years. The data from the regional study will be synthesized and a report will be provided in 2010. At that time they will be able to predict how large the CERP ASR program can be. They will be partnering with the Seminole Tribe a construct a pilot facility at the Brighton reservation. They are also looking to construct a 10 well system in the Lake Okeechobee area. He reviewed the issues which include: keeping competing uses between ASR and supply wells, funding restrictions and arsenic which is becoming an issue over in the west coast. Ms. Wehle said there are a lot of emerging issues that need to be addressed.

#### **Public Comment**

Mr. John Marshall (Arthur R. Marshall Foundation) said he disagreed with Mr. Collins concerning the EEA Strategic Plan noting the Stuart Rock Mining proposal in the EAA brought the issue to a head. The Palm Beach County Commission had previously requested help with an EEA Strategic Plan from DCA and DEP. He asked for someone to sit down with him and explain why the Task Force duties were not consistent with the recommendation to develop a Strategic Plan for the EEA. He said that he viewed this as litigation avoidance and that he would like to see the Task Force weigh in on this issue.

Jody Thomas (Nature Conservancy) noted the importance of keeping the working agricultural landscape. She thanked the Task Force which has done a strong job of tracking land acquisition through the Strategy and Natural Lands Report. She stressed

the importance of the lands north of Lake Okeechobee. There are obstacles to using some of these programs and some of the Farm Bill programs don't work well together and some of the regulations are conflicting. She encouraged taking a watershed approach to solve some of those obstacles. These are the programs the administration had in mind when it launched its cooperative conservation effort. She urged the federal agencies present to focus programs on a watershed approach and focus discretionary funding into programs that could most meet these goals.

April Gromnicki (National Audubon) highlighted funding issues and said that Interior's MWD funding is dependent on the Corps' \$35 million. She was concerned about restoration cuts in the Senate appropriations bill noting a \$10 million cut from Kissimmee River Restoration and C-111 was cut by \$9 to \$10 million. She urged everyone to be visible and vocal noting they will need approximately \$130 – \$140 million increase in FY 08 just to stay on schedule.

Martha Musgrove (Decision Makers Forum) said the Task Force should use its authority to advise local governments on land uses and how it helps and impedes CERP. She encouraged communicating with local governments adding the Task Force's powers are limitless when it comes to advising.

Ms. Wehle offered to provide a presentation at the December Task Force meeting in conjunction with DCA and DEP on the policy positions taken on a handful of key strategic issues they will use with every county dealing with water quantity, water quality, fragmentation of habitat, water supply and using growth management tools to cluster development, transfer of development rights and rural land stewardship. Ms. Castille said that the counties have the authority needed to adopt land use changes and from her experience it is best to get the nine county coalition to ask for this to be set up legislatively. Mr. John Marshall said the counties do not have the expertise to take this on with respect to CERP and they need to have someone help the counties make those decisions. Mr. Gastesi said things have changed from four or five years ago and there was a lot of coordination now and that no one needs to tell Dade County what to do but they do need to coordinate with the county.

Meeting adjourned at 6:05 PM.

*Approved Minutes  
South Florida Ecosystem Restoration  
Task Force Meeting  
SFWMD - West Palm Beach, FL  
September 21, 2006*

**Opening Remarks**

Ms. Onley called meeting called to order at 9:03 AM and welcomed the following members:

*Norman Hemming for Matt McKeown, Principle Deputy Attorney General, U.S. Department of Justice*

*Joette Lorion for Dexter Lehtinen, Special Assistant to the Miccosukee Tribe of Indians*

**Long Term Restoration**

*Basin By Basin Challenges*

Mr. Dennis Duke provided a presentation reviewing challenges by basin associated with restoration due to the natural system, built environment, agriculture and forces of nature.

Mr. Causey noted that it was important to celebrate the fact that the water coming out of the EAA is cleaner than what is going into the Caloosahatchee and St. Lucie. Mr. Collins said that 80% of the nutrients in the Caloosahatchee are municipal runoff and there is an impact from the lake until they clean it up. Ms. Wehle added that DEP is taking the lead in developing a statewide fertilizer rule that will limit phosphorus and nitrogen in the fertilizer that could be purchased in the State of Florida. The SFWMD is in rulemaking to have no nutrient loading as a result of new development. She noted that legacy pollutants that are either in the soils or in muck at the bottom of Lake Okeechobee have yet to be addressed and is the issue that worries her the most. Mr. Collins said they have no legacy issues in the Keys and the nutrient problems are due to the lack of a central sewage system. Mr. Causey asked for a panel discussion on water quality in the Florida Keys at the December meeting.

Ms. Castille reported the Sustainable Florida Commission recognized Florican which developed non phosphorus timed release fertilizer. The state is also looking at Japanese studies on red tide outbreaks.

*Land Acquisition Challenges*

Ms. Ruth Clements reported that 55% of the land needed for CERP has been acquired with 210,000 acres remaining. The SFWMD has been acquiring an average of 23,000 acres per year but money is running low. The state has contributed over \$1 billion towards the land acquisition program. The SFWMD received \$135 million from the Save Our Everglades Trust Fund and only \$22 million remain for C-111 and Biscayne Bay. She is now encumbering future dollars through FY09 with structured payouts. They have received \$253 million in grants from the federal government however the last one was in 2001. They have an application pending for \$4 million for the CREW acquisition in the West Coast and \$5 million grant from Agriculture through WRP funds which is pending for the IRL area. Almost \$63 million has been received from the counties with Martin

County providing over \$26 million for the C-44 acquisition. The SFWMD has been looking at creative solutions such as multiple funding sources, structured payouts, lease agreements and transfer development rights. They are also looking at bonding future revenues and coordination with the counties. They also have a grant application grant in to Walmart for \$1 million for the C-23 and C-24 IRL area.

Mr. Collins reported the President signed a pension reform bill that increased the deduction for conservation easement to individuals and gave ranchers and farmers a 15-year window to use those conservation easements. These changes have had a huge impact out west. He said they should be encouraging DCA to take a look at that. Mr. Grumbles said it would be helpful at a national level is to get a better understanding of the role wetland mitigation banks play in the overall implementation of CERP. It would be useful for the Task Force to discuss how they could work collectively to ensure that well functioning mitigation banking is a tool that helps in the mutual goals of accelerating restoration and protection of the South Florida Ecosystem.

Ms. Clements said they are looking at a private-public partnership with FPL which has a large mitigation bank in the C-111 and Biscayne Bay area where several thousand acres will be impacted. FPL is going to sign a letter for a no cost option of using their land as a flowage easement. Mr. Collins said there are other opportunities such as in Collier County and there are several mitigation banks in the area that have been successful. Ms. Power said it was encouraging to see these creative efforts and added that it would be beneficial for this group to think about how they are going to get to the end goal and make sure the agreements made are honored to the end. Ms. Wehle said that one of the solutions would be to challenge themselves to accomplish the goals of the Yellow Book in as small a footprint as possible. Mr. Collins agreed this is the group to take a stand on the original principles and it is important for them to get to where they need to be. Ms. Wehle added that they need to reach out internationally and look for opportunities to use more technology such as in phosphorus reduction which would reduce the number of acres they need north of Lake Okeechobee.

### **Public Comment**

Ms. April Gromnicki (National Audubon) said she wanted to see projects move forward and is not interested in process. Her biggest concern with the IGA is that it could present a barrier to restoration moving forward because of its ambiguity. The interim goals are supposed to be quantifiable and use the best available science. It would be her hope that they had a better understanding of the specifics and she urged them to ask whether the agreement provides the tool they need.

### **Consultation**

#### *Interim Goals Agreement and Interim Targets Agreement*

Mr. Duke reported that they are the indicators to measure success in restoring the Everglades. The best modeling they have for the CERP is based on the 1999 report and they have been working to get the new 2 x 2 model in place. They have added five years of record and changes to the topography and the land use. He reviewed the background and feedback received on the draft agreements. The agreements will be used to facilitate

adaptive management and the Corps and the SFWMD agree to sequence and schedule projects to achieve interim goals and targets. The agreements will be reviewed every five years to determine if they should be revised and will be revised through amendments of the agreements.

Mr. Collins said there were concerns over the specificity of document that he did not think was appropriate for every document but that it was more important for them to adaptively manage what they have learned in ways that won't slow them down. It is just a tool to figure out where they are in the process and setting up goals on expectations that they may or may not have puts a lot of this at risk. He said it is a good document and emphasized the commitment to review it as more information becomes available. Mr. Causey said NOAA provided a letter on monitoring and thanked the Corps for helping them out in monitoring their corals. He said that in order for them to be adaptive they have to have monitoring in place and it needs to be incorporated into the project cost up front just as you would infrastructure.

Ms. Lorion wanted to confirm that the amendment of the agreements will be done in consultation with the tribes. Mr. Duke said it would be. Ms. Lorion stated that the streamlining under duties is a concern to the tribe because when they streamline they don't always do the EIS. They are concerned laws will be short changed and they must ensure they do things like IOP in compliance with all laws. They are also concerned that they no longer have the sequencing from the 1999 plan and it is now a smorgasbord in the Tribe's opinion. The concern is that and Congress gave authorization for CERP as it was in 1999 but the plan is based on the new MISP. Mr. Duke explained the sequencing plan only changes the order in which projects will be implemented. They have already agreed that the MISP will be updated when the new model is ready. They have tried to maintain a distinction between what the state is doing in Acceler8 in advance of the federally authorized process. Mr. Collins added they took the projects in Band 1 and they are doing a few additional things ahead of time in order to take advantage of opportunities that may not exist 15 years from now. Ms. Lorion asked about the process to inform Congress. Ms. Castille said she and Ms. Wehle go to Congress regularly and Mr. Duke said the 5 year Report to Congress states that the schedule has changed. Ms. Lorion asked why there is no mention of water quality in general in addition to the statement on total phosphorus on page 5 of the IGA. Mr. Duke said they used the information RECOVER provided. On page 6 Ms. Lorion asked if they could use language similar to "no net loss to tree islands" which was RECOVER's goal. Mr. Hemming said they could include language and be consistent with federal law. Ms. Onley agreed that tribal consultation needs to be continued as well as compliance with federal and state law and the need to ensure the sequencing and tree island issues are addressed.

### **Public Comment on the Agreements**

Ms. Betty Grizzle (Everglades Foundation) said she reviewed two drafts of the agreements and said she does not believe they provide measurable milestones and defers development of the indicators to a future effort. She provided a handout (Encl. 3) with three cases and a sample reporting form and offered to discuss this further.

### *Working Group Update*

Mr. Ammon said that the regular Project Delivery Team are public meetings and they will continue to have informal workshops in conjunction with Working Group meetings. He reported the Working Group was consulted on the alternative formulation of the C-43 PIR at the July meeting. The project has been divided into two phases, one dealing with the western part of the basin which is an Acceler8 project and the second phase addresses the remainder of the basin, which is the eastern basin. He reviewed the project location, goals and purpose. The team evaluated seven alternatives and selected alternative 3C as the tentatively selected plan (TSP). It was chosen because it was one of the most cost efficient plan in meeting the goals and objectives. He said the draft PIR was expected in 2007. There was general agreement by the Working Group with the TSP. Water quality issues continue to be raised and the test cells are expected to provide additional information.

### **Public Comment**

Mr. John Marshall (Arthur R. Marshall Foundation) said the EAA is the least planned area and the most contentious area which impedes Everglades restoration and they are still trying to figure out who should be taking this on. He has provided material identifying 21 possible projects for the area and reiterated his concern that no one is taking this on in a vigorous way. Mr. Collins noted the County Emergency Manager has been meeting with FEMA to develop flood maps.

Ms. Jamie Furgang (Audubon of Florida) provided suggestions for the restoration challenges: some of the challenges are for the overall system and are true for any basin and it would be helpful to have one slide with issues that are true for every location (i.e. continued growth and development, water quality and quantity and global warming); for Lake Okeechobee they have to figure out how to get more storage in the basin; East Coast, the savings clause was left out; and for the Florida Keys Basin, it is important to remember that the deterioration of water quality in Florida Bay has an impact of seagrasses, corals and fishing industry. She urged they also start identifying solutions.

Mr. Jason Totoiu (Everglades Coalition) reported that the Coalition passed a resolution opposing the City of Weston's proposal to build a high school on the C-11 Impoundment area which situated in one of two mitigated wetlands. The draft Broward County WPA recommends expanding the marshland area to provide for additional mitigation. The siting of the school is incompatible with CERP and these lands are crucial.

### **Next Steps and Closing Remarks**

Ms. Lorion asked for clarification of the Lake Okeechobee Regulation Schedule and was concerned with extra water going out the L8. Mr. Duke said it would be the same amount of water coming in and going out. If the operational range is lowered the same amount of water would be going out. Mr. Duke added they would start releasing water sooner and operating range would stay the same.

Ms. Onley thanked everyone and welcomed suggestions to make meetings even more productive. The next meeting scheduled for December 6 – 7, 2006 in Key West, FL.

Meeting adjourned at 11:45 AM.

Enclosures:

1. Briefing Booklet
  - a. Administrative Items
    - i. Agenda
    - ii. Meeting Minutes, May 2006
    - iii. Task Force Roster
  - b. Qtr Review and Ahead
    - i. Corps Update and WCA 3A Decomp
    - ii. Acceler8 Update
    - iii. CERP Report to the Public
  - c. Action Items
    - i. DRAFT Task Force Strategy and Biennial Report
    - ii. DRAFT Plan for Coordinating Science and SCG Briefing
    - iii. DRAFT Land Acquisition Strategy
  - d. Long Term Restoration Issues
    - i. USDA
      1. ARS Everglades Restoration
      2. NRCS Programs in South Florida
      3. Roth Farm USDA
    - ii. Aquifer Storage and Recovery (ASR)
    - iii. Basin by Basin Restoration Challenges
    - iv. Land Acquisition Challenges
2. Consultation
  - a. Interim Goals and Targets
  - b. DRAFT Interim Goals Agreement
  - c. DRAFT Interim Targets Agreement
3. Comments to Strategy and Biennial Report
  - a. Dexter Lehtinen
  - b. John Arthur Marshall
4. Everglades Foundation Comments