

Approved Minutes
South Florida Ecosystem Restoration
Task Force Meeting – Miami Airport Marriott
May 25, 1999

Patricia Beneke opened meeting at 12:50 p.m. She welcomed Mr. Allison DeFoor, Mr. Michael Collins and Mr. Raul J. Valdes-Fauli, new appointees to the Task Force as well as Mr. Clarence Anthony who has been re-appointed. Task Force members were provided with briefing binders (Enclosure 1).

The Following Task Force Members Were Present:

Patricia Beneke, Task Force Chair – U.S. Department of the Interior
Clarence Anthony, Mayor, City of South Bay
Ernie Barnett for David Struhs, Florida Department of Environmental Protection
Michael Collins, South Florida Water Management District
Peter Coppelman for Lois Schiffer, U.S. Department of Justice
Michael Davis, U.S. Department of the Army
J. Allison DeFoor, State of Florida
Niles Glasgow for Glenda Humiston, U.S. Department of Agriculture
Roger Griffis for Sally Yozell, U.S. Department of Commerce
Richard Harvey for Jonathan Charles Fox, U.S. Environmental Protection Agency
Dexter Lehtinen, Miccosukee Tribe of Indians
Jim Shore, Seminole Tribe of Florida
Raul J. Valdes-Fauli, Mayor, City of Coral Gables

The Following Task Force Members Were Not Present:

Jonathan Charles Fox, U.S. Environmental Protection Agency
Glenda Humiston, U.S. Department of Agriculture
Lois Schiffer, U.S. Department of Justice
David B. Struhs, Department of Environmental Protection

KISSIMMEE GROUNDBREAKING

COL Joe Miller announced that the Kissimmee River restoration Groundbreaking Ceremony would be held on June 5, 1999. He invited the Task Force members and the public to the ceremony.

RESTUDY UPDATE

Mr. Stu Appelbaum (USACE), presented a slide presentation on the status of the Restudy. The final draft report and Programmatic Environmental Impact Statement (PEIS) was released to public on April 7, 1999 and is available through the Internet and public libraries. The report recommends approval of the plan, authorization of pilot projects and selected components, cost sharing for operations and maintenance, and programmatic authority for projects below a certain cost threshold. The public comment period for the final draft report will end on June 1, 1999. Other milestones include:

- Chief of Engineers Report June 17
- OMB Clearance Letter June 30
- Asst. Secretary of the Army (CW) Submits Report to Congress July 1

Mr. Appelbaum also reported that the Florida Legislature passed the Restudy Bill (SB 1672) and the Governor signed it on April 30, 1999. The Act codifies the State's intent to support the Restudy, outlines specific responsibilities of the SFWMD as local sponsor and requires DEP approval before project components are submitted to Congress for authorization.

Mr. Appelbaum spent a few minutes on an update of the Implementation Plan. He reported the Plan has been significantly revised and model runs for the 2010 case study were complete. The 2010 Case Study conclusions show improved overall performance and benefits and the Corps expects that additional improvements will occur as the new components are refined. The team revisited the 2010 snapshot to make sure significant improvements are demonstrated through the modeling. Flows to the southern part of the system in 2010 made significant progress toward the objectives. Also, storage in the Everglades Agricultural Area is increased by 10,000 acres by 2010 and provides significant improvement to the system.

The team will be focusing on the following activities for the remainder of FY99:

- Continue Water Preserve Area and Indian River Lagoon studies
- Execute a design agreement (PED) with the SFWMD
- Establish a systemwide RECOVER Team
- Continue public outreach efforts
- Establish Project Implementation Teams
- Conduct Team Orientation Activities
- Initiate New Feasibility Studies

Mr. Appelbaum noted the workload for the Corps of Engineers will increase as the Restudy moves into the Implementation Phase. He urged each agency to seek the fiscal and manpower resources that will be needed. It is critical for the interagency partnership to continue during the Implementation phase. The Corps is currently putting together a work plan and has not yet worked with other agencies on staffing needs. Mr. Rock Salt noted the Working Group was concerned that many of the agencies would not be able to meet the staffing needs when it comes time to implement the Restudy. Mr. Mike Collins suggested that a letter go out immediately alerting people about this issue, particularly since the budgetary process is underway. Mr. Michael Davis added that once the report is submitted to Congress, hearings could begin as early as the fall and the Administration would submit its WRDA 2000 Legislation in March. It would include an Everglades Restudy section that would include the legislative provisions that are necessary to implement the Restudy. Traditionally, Congress does not pass a water resources bill until the end of the Session (late September or early October). This creates a challenge in the budget process since the fiscal year begins October 1 and the timing needs to be sorted out. Mr. Davis announced an event that is being planned in Washington, DC to celebrate the submittal of the plan to Congress.

Second Task Force Letter

Mr. Salt reviewed the first Task Force letter to the Secretary of the Army, (August 1998), providing its initial recommendations on the Restudy. The second letter is intended to convey strong, positive Task Force support for the Restudy. Mr. Salt reviewed the key points of the proposed letter. Mr. Dexter Lehtinen brought up the fact that one of the goals from the initial letter had been changed in the second letter. Mr. Peter Coppelman noted that the letter contains no reference for assurances that would protect the environment. Mr. Collins also suggested language (Enclosure 2) that would address cost share agreements, including provisions that may credit the local sponsor for work done on design and implementation of pilot projects. Mr. Richard McNeer was appointed to lead a team to work on these items. Mr. Rock Salt presented the draft of a second Restudy letter to the Secretary of the Army as proposed by the Working Group. The team

returned with a proposed revision to the draft letter, which was approved by the Task Force.

Priority Lands List

Mr. Richard Harvey presented the Working Group recommendations on a priority lands list. In January 1999, Ms. Beneke asked the Working Group to develop a consensus based priority land acquisition list to be used in the Department of Interior's response to a Congressional directive to submit a comprehensive acquisition plan for non-federal lands by March 31, 1999. Mr. Richard Harvey reviewed the Working Group process to develop the land acquisition list and presented the Working Group recommendation. The Task Force approved the package. Mr. Lehtinen noted the Miccosukee Tribe and the 8.5 Square Mile Area residents appreciated the 8.5 SMA from being taken off the list. Additional delays of the Modified Water Deliveries Project would have been caused had this remained on the list.

Update on Science Advisory Review Panel

Ms. Beneke reported that work is underway to establish the science advisory review panel requested in a Task Force resolution at the February Task Force meeting. She noted that the review panel would play an important role in the adaptive management process. Ms. Beneke predicted that the panel would be in place by mid-summer. Mr. Collins added that peer review panels do a good job of reviewing the science but there is still a gap on how to implement the science. He suggested there being someone on the panel with a management/decision-making perspective.

GAO REPORT

Ms. Beneke provided an overview of the recommendations contained in the report from the General Accounting Office. The report recommended the Task Force develop an overall strategic plan that outlines how restoration will occur, identifies needed resources, assigns accountability for accomplishments, and links the strategic goals to specific annual goals. The GAO recommended that the Task Force develop a decision making process to resolve disputes more quickly and avoid delays. Ms. Beneke noted that there is a Strategic Plan underway that is scheduled to be completed in 2001 and that the Task Force and Working Group serve as a discussion group that provides some dispute resolution. Mr. Collins suggested elevating those issues that are discussed and not resolved. Mr. Lehtinen added the problem goes much deeper and Congress resolved some of the disputes identified in the GAO report. Ms. Beneke suggested looking at mechanisms to elevate issues within an agency. She emphasized that many issues have been resolved effectively in south Florida through this collaborative effort that is unprecedented in the country. Mr. Ernie Barnett added the Task Force is a good forum to come together to discuss issues and seek consensus as well as better understand and appreciate the various agencies' positions. He noted areas such as Lakebelt, Homestead AFB, Lake Okeechobee and St. Lucie where the Task Force and Working Group had been very successful in resolving disputes. In these instances, the Working Group came together for a better understanding of what the issues were and then went forward to work cooperatively. Each agency retained their rights and authority. The Task Force asked Rock Salt to develop a game plan to address those issues raised in the GAO Report.

PUBLIC COMMENT

Mr. Charles Lee (Florida Audubon) noted the flier (Enclosure 3) and similarity in the discussions of the 8.5 square mile area to discussions held in 1973 on the Big Cypress acquisition and stated that what is needed is innovation and leadership. He urged the Task

Force to find a way to "get us down the road". On behalf of Audubon he urged everyone to look at the end product and make sure the exercise is consistent with what is down with the rest of the Everglades.

Mr. John Arthur Marshall (Arthur R. Marshall Foundation) noted that the first objective of the Restudy is to increase spatial extent of natural areas and "we've lost sight that natural areas area more than wetlands". He suggested removing the last sentence before the bullets in the Task Force letter.

Ms. Madeleine Fortin (resident 8.5 square mile area) thanked the Task Force for removing the 8.5 square mile area from the Priority Land Acquisition List and requested that it never be put back on the list. She provided a flier (Enclosure 4) and stated that "Congress said to protect us they did not say to acquire us". She said the locally preferred option is not do-able and no agency has the power to condemn the residents of this area. The GAO Report brought out clearly that no one is in charge. Taking the 8.5 square mile area will turn people across the country against the idea of ecosystem restoration. "We are not leaving."

Ms. Shannon Estenoz (World Wildlife Fund) appreciates and recognizes the importance of public participation yet WWF has come to the realization that consensus isn't the best way to make decisions. She noted one or two members of the Working Group held up the land acquisition process. WWF appreciates the cover letter that suggests revisiting the 8.5 square mile area issue. WWF urges the Working Group and Task Force to revisit the 8.5 square mile area issue after the NEPA process had been completed and urges the SFWMD to continue with the willing seller program.

Mr. Tom Adams (National Audubon Society) urged members of the Task Force to educate Congress about why this priority list looks so different from the list prepared in 1996 so that a conflicting message is not sent. He noted that he attended the hearing held by Congressman Hansen and clarified that one of the factors that has slowed down the Modified Water Deliveries Project is the lack of appropriations for land acquisition. Agencies are unable to fulfill their mission if Congress does not provide money.

Mr. Richard Grosso (Environmental and Land Use Law Center) stated that you need the guts to tell 400 landowners that there is a good reason to purchase the 8.5 square mile area. This issue requires leadership and urged the message be sent that this issue will be revisited. If the Miccosukee can veto the concept of bringing this issue back to analyze the real scientific and technical issues then the consensus process is disappointing.

Mr. Stuart Strahl (National Audubon Society) endorsed the comments made by Mr. Grosso and added the Task Force has a great opportunity to make use of all the resources at their disposal. Objective science will move the process ahead and he asked the Task Force to look at all the scientific evidence available and make objective decisions.

Ms. Joette Lorion (self) stated she testified at the hearing on April 27 and there is a lot of rhetoric going on around this room. None of the critical clippings about GAO and the Congressional Hearings were provided to the people in this room. The 8.5 SMA is not in Shark River Slough. Congressman Dante Fascell sponsored the bill to put a levy around these people because he knew it was politically impossible to move the people living in the 8.5 SMA. She is not here about the 8.5 SMA but about the Modified Deliveries Project. "You will lose the whole restoration if this is not taken seriously and come up with a plan to move forward on the C111 and Modified Waters."

Mr. Gene Duncan (Miccosukee Tribe) distributed a handout listing twelve individual reasons (Enclosure 5) why the locally preferred option cannot and will not work and the Miccosukee Tribe's report (Enclosure 6) to Congress discusses why the Tribe disagrees with the information contained in the Biennial Report. Mr. Duncan stated he has been

told that there had been a secret briefing held yesterday on Modified Water Deliveries in advance of this meeting. He asked to be informed on whether this meeting took place and why the public was not informed.

Ms. Mary Barley (Everglades Trust) encouraged everyone to remember the failures and learn from them and urged everyone to set your sights to the next goal.

TASK FORCE DISCUSSION

Rock Salt reported the Working Group has initiated discussions with the Museum of Discovery and Science to form a public/private partnership for public education of the restoration effort. A draft Memorandum of Partnership between the Task Force and the Museum was presented for Task Force review. Mr. Salt reported that he would schedule the Task Force approval of the agreement at the next Task Force meeting.

Mr. Michael Davis responded to Mr. Duncan's comment about the "secret meeting". He said that it was an internal federal discussion about the issues raised in the GAO Report. Mr. Lehtinen expressed outrage that it did not strike the federal government that those actions were an insult to the Chairman of the Tribe. He asked that the Federal Agencies as well as the Secretary of the Interior to stop saying that there is a Federal/Tribal partnership. Ms. Beneke, puzzled by Mr. Lehtinen's reaction, asked if it was appropriate for two federal agencies to meet and talk. Mr. Lehtinen said they could meet, it is legal, but to quit scripting. Mr. Davis told Mr. Lehtinen he was out of line and that the meeting was for Mr. Bill Leary and himself to understand better the schedules and budgets to facilitate movement on Modified Water Deliveries and the C-111 Projects. He told Mr. Lehtinen that these meetings would continue and that he would not apologize for them.

Mr. Lehtinen accused a number of Corps and Interior officials of meeting in April 1998 on the request for fifty percent federal funding for acquisition of the 8.5 square mile area. He said a deal was cut and no one heard about it until the SFWMD Governing Board meeting in December 1998. He reiterated that the Secretary of the Interior should not assert there is a Federal/Tribal partnership. He provided the Modified Water Deliveries/Case Study (Enclosure 6) and paper entitled Land Confiscation Is Bad for People (Enclosure 7). Mr. Davis said that the Corps has not made a decision about the 8.5 Square mile area and it does not yet have an alternative selected. Mr. Lehtinen questioned what would happen with the EIS/Modified Waters if the locally preferred option were killed. Mr. Davis replied that they are looking at the full range of options. Mr. Lehtinen said that the Corps wants an EIS whether there is a locally preferred option or not.

Ms. Beneke noting the lateness of the hour adjourned the meeting and invited Mr. Davis, Mr. Lehtinen and those interested in this issue to continue this discussion after the meeting. She noted her astonishment that anyone would take objection to two federal agencies meeting to resolve issues.

Meeting adjourned at 4:45 p.m.

Enclosures:

1. Briefing Binder
 - a. Agenda
 - b. Governor Bush Task Force Appointment Letters
 - c. Draft Second Task Force Letter (prepared on 5/20/99)
 - d. First Task Force Letter (dated 8/6/98)

- e. C&SF Restudy Update
 - f. Transmittal Letter of Priority Land List (5/25/99) w/ list and map
 - g. Public Outreach Strategy (10/98)
 - h. Memorandum of Partnership SFERTF and Museum of Discovery and Science
 - i. WRDA
 - j. Task Force Charter
 - k. Task Force Roster
 - l. Working Group Charter
 - m. Working Group Roster
 - n. Newsclippings
 - o. GAO Report
3. Mike Collins' suggested modifications to Second Task Force Letter
 4. Ochopee flier
 5. Save Our Square flier
 6. Reasons Why Locally Preferred Option Will Fail
 7. Facing Up To Problems In Everglades Restoration/Miccosukee Supplement to Biennial Report
 8. Modified Water Delivery/Case Study (Lehtinen 4/27/99)
 9. Land Confiscation Is Bad For People and Everglades (Lehtinen and Rice 1/1/99)