

*Approved Meeting Minutes*  
*South Florida Ecosystem Restoration Working Group*  
*Lake Placid, FL*  
*July 24, 2001*

**Welcome and Introductions**

Wayne Daltry called the meeting to order at 1:20PM. Agenda (Enclosure 1) ratified and draft minutes (Enclosure 2) presented and are scheduled for approval the following day.

Working Group Members	July 24	July 25	Alternates
Aller, Chuck - FL Dept of Agriculture and Consumer Services	-	-	
Barnett, Ernie – FL Dept of Environmental Protection	√		
Best, Ronnie – U.S.G.S.	√		
Bradford, Mark – Bureau of Indian Affairs	-		
Brad Brown – NOAA, National Marine Fisheries Service	√		
Billy Causey - NOAA, FL Keys Nat'l Marine Sanctuary	√		
Wayne Daltry - Southwest FL Regional Planning Council	√		
Henry Dean – South Florida Water Management District	√	√	Joan Lawrence
Frank Duke – Palm Beach County Planning	√		
Gene Duncan - Miccosukee Tribe of Indians of FL	√		
Gary Evink - FL Dept. of Transportation	-		Marjorie Bixby (sp)
Maureen Finnerty – National Park Service	√		
Jay Slack – U.S. Fish and Wildlife Service	-		
Michael Goldstein – Gunster, Yoakely, Valdes-Fauli & Stewart	-	-	Bill Dobson
George Hadley – U.S. Dept of Transportation			
Thaddeus Hamilton - U.S. Department of Agriculture	√		
Richard Harvey - Environmental Protection Agency	√		
Ronald Jones – Southeast Environmental Research Center	√		
Barbara Junge – U.S. Attorney's Office	√		
Kristina Katsaros - NOAA – AOML			
Toy Keller – Department of Community Affairs			
Neal McAliley – U.S. Dept. of Justice	√		
COL Greg May - U.S. Army Corps of Engineers	√		
Mary Ann Poole - Florida Fish and Wildlife Conservation Commission	√		
Fred Rapach – Palm Beach County Water Utilities Dept	√		
Terry Rice – Miccosukee Tribe of Indians of Florida	√		
Rick Smith - Office of the Governor of Florida	√		
Ron Smola - U.S. Department of Agriculture	√		
Steve Somerville - Broward County Department of Natural Resource Protection			Patti Webster
Craig Tepper, Seminole Tribe of Florida	√	-	Beth Carlson
Julio Fanjul, Special Advisor	√		
Rock Salt, Special Advisor	√		

**Biscayne Bay Watershed Team Charter**

Billy Causey announced the Governor and Cabinet unanimously approved state waters to be included in the Tortugas Ecological Reserve making it the largest underwater fully protected area in North America. He presented the draft Charter (Enclosure 3) for a second reading. Rock Salt noted questions were raised at the last meeting on the policy for including non governmental members on its advisory committees. The protocol was reviewed but it does not specifically address the issue of how non governmental members are selected. In the past the Working Group has approved the Charter with the membership as a package. In this instance, the Working Group is being asked to approve the Charter and the supplemental slate (Enclosure 4) of proposed non governmental members. Neal McAliley added that people that are not from agencies represented on the Working Group are identified. Rock Salt clarified that it is his intent to send a letter asking the appropriate officials to designate someone and if no response is received, the entity would be removed from the list. Those names would be brought back to the Working Group for approval. Ron Smola suggested adding FDACs to membership. Rock Salt encouraged any member wishing to appoint a representative to this team to do so. Ron motion, Ron seconded. **Action: Team Charter approved with the list of members identified by name. The Office of the Executive Director is tasked to send a letter**

**to those non governmental members requesting appointments be made to this team. The names of these individuals would be brought back to the Working Group for approval.**

#### Kissimmee Project Update

Paul Whalen stated the Kissimmee River is an example of how to get something done right. He provided a Power Point Presentation ([Enclosure 5](#)) reviewing the current status of the project as well as the hydrology issues. Project is one-third of the way complete and is a compendium of 28 projects. Eighty percent of all the necessary acreage has been acquired and the Water Management District is moving forward with the remaining land acquisition. Phase I complete with smaller projects still remaining. Main effort within the headwaters is the real estate acquisition with 80% of the necessary acreage already acquired. The remaining 20% of the acreage contains some unique circumstance (i.e., septic tank issues, flood proofing of higher value agricultural area). He noted that restoration comes when the hydrology is re-established and this will take place when the properties in the headwaters have been acquired. An alternate interim strategy was developed in October 2000, and the regulation schedule has not changed from what it has been for the last forty years. The WMD has sought the concurrence of the Corps for discretionary releases to mimic the natural hydrologic cycle. He added that the Kissimmee River Basin has been well below the regulation schedule due to the drought. He offered interested members with a tour of the project.

#### Report on Water Projects and Initiatives

COL May gave the CERP Implementation Power Point Presentation ([Enclosure 6](#)) which had been provided jointly by the Corps and the SFWMD to the Florida Delegation. The presentation included all of the various components of CERP (i.e., ASR, STAs, and Seepage Management). He announced that the process has been started at the staff level on the agreement between the President and Governor. A draft of the Dispute Resolution between the Corps and the SFWMD has been drafted. The DRAFT Miami Dade ASR report is now being reviewed. Modified Water Deliveries contains specific completion requirements tied with other CERP features.

Dennis Duke provided an update on the Program Management Team. He reviewed the status of the Corps Projects ([Enclosure 7](#)) as follows:

#### Critical Projects

- Lake Okeechobee Water Retention/Phosphorus Removal – working on land uses in the Upper Basin and the SFWMD is negotiating on land acquisition with the Corps proceeding with the design with completion scheduled for February 2005
- Ten Mile Creek – issues over cost have been dealt with, peer design review underway and completion scheduled for December 2002
- Lake Trafford – dredging project, worked on issues over endangered species, disposal, award to be awarded in October 2001 completion date scheduled for January 2005
- Tamiami Trail Culverts – two of the five components involving the western end of Tamiami Trail, Fifty Mile Bend up to Seminole State Park, first component involves placing culverts which will increase the flow and restore the hydrological conditions, second component is the resurfacing of the roadway in cooperation with the SFWMD and the State DOT, completion set for September 2004
- Southern Crew – SFWMD has had the lead in the construction and land acquisition, completion set for September 2003
- Seminole Big Cypress – Seminole has taken the lead on this project with design underway, April 2005 completion date, this is Phase I with Phase II to be completed under CERP
- East Coast Canals Structure (C-4) – under construction with completion scheduled for January 2002, second East Coast Canal structure included under CERP authorization
- Western C-11 – WQ Treatment – Phase I under construction, Phase II design underway with target completion date scheduled for 2002
- Keys Carrying Capacity Study – is being done to develop a model allowing the local planners to explore different scenarios and come up with their forecasts for the future, completion date set for summer 2002

## C&SF Projects

- Water Preserve Areas Feasibility Study – ongoing study, a candidate to go up for WRDA 2002 consideration for authorization, no new components beyond what was included in the CERP, working on cost issues and revised cost estimate, draft report will be out fall 2001
- Indian River Lagoon Feasibility Study – final report and EIS scheduled for November 2001 for WRDA 2002 submission
- Modified Water Deliveries – execution of the PCA coming up for the 8.5 SMA, Tamiami Trail piece and the conveyance and seepage, construction on the pump stations scheduled for summer 2002
- ISOP 2001 – closure of the S-12 structures starting November into January, structure 12-D will stay open and used when needed per the regulation schedule 3A, using S-333 to bypass water during high water periods, and using the temporary pump station S332-B to withdraw the water pumping back out into NE Shark River Slough and S332-D as well
- South Dade County (C-111) – draft GRR will be released within the next several months, working through land acquisition and water quality issues, project involves a land swap of 1,024 acres between the SFWMD and ENP which requires Congressional action
- West Palm Beach Canal (C-51)/STA 1E – four contracts currently under construction with an additional contract to be awarded for the land clearing and levy construction
- Melaleuca Quarantine Facility – expect to award the contract by August 01 with Ground Breaking to be scheduled in September 2001

## CERP

- Southern Golden Gate Estates – completing the report preparation for WRDA 2002 consideration
- Lake Okeechobee ASR Pilot – drilling monitoring wells and operating them to obtain water quality data as the background data necessary to obtain an operating permit
- Hillsboro Site 1 ASR – PMP approved, currently obtaining background data
- Lakebelt Technology Pilot – PMP underway estimated completion date is September 2001
- L-31N Seepage Management Pilot – PMP underway, a lot of interest in this project as the NE Shark River Slough area is re-hydrated, this project will test various mechanisms for controlling seepage out of the lower area
- Reuse Technology Pilot – three pieces, first in Palm Beach County regarding an existing plant, second involves monitoring in cooperation with Palm Beach County and the SFWMD, third involves Dade County and an existing plant as well as a new plant in that area
- Regional ASR Study – Regional Study PMP under development
- Lake Okeechobee Watershed – PMP underway
- EAA Storage Reservoir – PMP being prepared and due to be completed in September 2001
- WCA-3A Decompartmentalization Phase I – First phase involves raising Bridge Tamiami Trail and Miami Canal, authorized as one single project for \$27 million in WRDA 2000, with other parts (i.e., backfilling of Miami Canal) added to make it work, completion date scheduled for October 2001
- North Palm Beach County – PMP underway
- C-111 North Spreader Canal – PMP underway
- Kissimmee River Restoration – under construction with first backfill contract complete

Mary Ann Poole noted the concerns in regards to Alligator Alley. Dennis Duke noted the Corps just got approval to execute the cost share agreement for the SW Florida Feasibility Study. That will address those items not in the CERP and will make a separate recommendation to Congress for consideration should recommendations for additional improvements are needed for that area. Changes will be found as models are refined and the Tamiami Trail area may be included because of the permitting that took place when it was built.

Rick Smith asked whether hydrologic and biological monitoring is built into the Tamiami Trail culverts. He noted it is not known how much more water was put to the south as a result of the 36 panther crossings along the length of Alligator Alley. Dennis Duke clarified that baselines are being established for the culvert areas with a lot of monitoring as part of Modified Waters and ISOP that will continue. Craig Tepper asked if the cost estimates have been updated with the inflation factors. Dennis noted Congress

provided the lump sum programmatic authority and the Corps will not get inflation allowances. Given that cap the project will shrink. Wayne Daltry asked if the SW Florida Study would also examine the feasibility of the projects already enlisted in CERP to determine if there were other alternatives. Stu Appelbaum agreed the study will be looking at the entire basin. Rock Salt asked about the cost growth. Dennis Duke explained the \$7.8 billion represents the total cost as recommended in April 99 based on October 99 price levels. Inflation has occurred each year since then and you will have some cost increase. As a matter of policy the Corps of Engineers only inflates, through construction, those costs associated with the authorized project.

## RECOVER

John Ogden presented the Memorandum of Understanding (Enclosure 8a) and the current action items and results (Enclosure 8b) outlining the current tasks of RECOVER. He reviewed the MOU/Partnership Agreement. The Agreement will recognize RECOVER as the process for cooperating and integrating. Fred Rapach questioned whether the group would resolve technical issues and the process used in doing so. John Ogden stated the group would resolve technical issues and would start by documenting them. Craig Tepper asked if the PIRs would replace the MOU and stated he hoped there would be no turning back once the PIRs are prepared. John Ogden explained RECOVER has the responsibility to link up with each of the Project Teams to ensure that the system-wide objectives of CERP are met. Craig Tepper also asked about where this document would leave the other interest groups. Ronnie Best clarified the purpose is to invite full partnership into the CERP recovery process. The mechanism for resolving issues has not been resolved and the language in the Partnership Agreement is broad. The SCT as well as other principal bodies will play a significant role in the review of science and technology. Agencies need to address how to become a full partner and dedicate personnel with declining budgets. Gene Duncan noted the Tribe would be unable to sign on to this effort that calls for an additional six committees with funding being limited. He pointed out there was a consultation requirement before the decisions are made and rejected the idea that if someone does not sign on it does not mean they are a full partner in CERP. John Ogden clarified this would be a partnership at the level of RECOVER and hoped the Miccosukee Tribe would identify a point of contact to provide the information that comes out of RECOVER. Gene Duncan noted that individual would be him.

Billy Causey asked how to integrate the work of the water quality group in the Keys with RECOVER. John Ogden noted the water quality team will be linking up with other water quality organizing bodies in south Florida. Rock Salt asked why those agencies with limited resources should sign this document and possibly create expectations that may not be real. John Ogden noted their interest is with the agencies and tribal agencies that are currently participating or will be participating in the near future. This would lay out the framework by which those people participating will do business. Gene Duncan said it is the tribe's expectation that RECOVER has the obligation to come forward for meaningful consultation before the decisions are made.

Terry Rice stated that as you move forward and changes are made as projects are modified, operations of the structures are changed and the sequence of implementation is changed, the appropriate individuals need to be brought in, if everyone has the opportunity and this should be part of the program. John Ogden said it was naïve to think that those individuals will be at the table, will have huge problems. It is not a question of calling people in from time to time.

Ronnie Best made a motion to send back the Partnership Agreement for slight modification and then brought back to the Working Group for ratification and signing by the partners. Rick Smith seconded the motion and asked how many of the people expected to attend the RECOVER subgroup are also on the SCT and asked about integrating those two efforts. Ronnie Best noted about half of the people on the AAT are on the SCT. Brad Brown noted that while it is useful to have this discussion, he say nothing to be gained by a vote of this body. Billy Causey encouraged considering a mechanism to have periodic meetings where the information is synthesized and comments could be provided. John Ogden stated this is already ongoing and the SCT is being used as the science review body.

Ernie Barnett agreed he did not see the purpose in any kind of ratification or approval of this document by this group. Motion made to table the motion. **Working Group agreed to table the motion with two dissenting votes.**

### Programmatic Regulations

Stu Appelbaum provided the second briefing (Enclosure 9) on the programmatic regulations which is part of the assurances piece of WRDA 2000. The process will involve trying to reach agreement among the major parties. A draft of the outline is being developed and a second round of comments will be scheduled. A draft of the regulation will be prepared and is scheduled for release in December 2001. The draft Regulation will be formally published in the federal register in March 2002 followed by a sixty day public comment period and 180 day concurrency period to get the concurrence or non concurrence by the Secretary of the Interior and the Governor of Florida. That will be used as a basis for finalizing the regulations and publishing them in the federal register no later than December 2002. RECOVER has been asked to look at the following protocols :

- adaptive assessment process
- process for developing interim goals
- framework for formulating and evaluating PIRs
- process for Comprehensive Plan revisions
- project evaluations/assessing the performance of individual projects in a system-wide context
- operations and the changes as projects go online
- SFWMM and how it gets changed

He reviewed all of the issues identified in meeting with agencies, environmental, utility and agricultural stakeholders. Web page has been set up and has been linked to the [www.EvergladesPlan.org](http://www.EvergladesPlan.org) site. He reviewed those issues raised at the initial round of meetings. Next steps include scheduling a second round of meetings to solicit comments on the draft outline. Protocol papers are underway by RECOVER.

### Aquifer Storage and Recovery

Fred Rapach presented the revised Team Charter (Enclosure 10) which has been edited for clarification purposes since the last meeting. Fred Rapach made a motion to accept the Charter. Joan Lawrence seconded the motion. Rock Salt clarified people are more comfortable with the term of Charter instead of directive and asked for the document to be renamed. **Action: Working Group approved ASR Team Charter.**

### Water Shortage and Water Levels

Joan Lawrence reported ground water levels have improved significantly from Orlando to Homestead and are at average levels for this time of the year. The Water Conservation Areas are at or above their regulation scheduled and WCA 2 is almost one foot above schedule. Water needs to be moved south out of the WCAs. Lake Okeechobee is at 10.08 feet and it is normally at 13.75 feet at this time of the year. Phase II water restrictions continue in the Lower East Coast and Lower West coast and metropolitan Orlando. Wayne Daltry asked that since the water is going from the river into the lake and not violating water quality standards why is the 5,000 acre scrubbing pond needed in the CERP. Joan Lawrence promised to get an answer on this question. Fred Rapach asked if there has been a dialogue by the SFWMD and DEP on the issue of doing whatever it takes to get the lake level up. Ernie Barnett said they are looking to modify the emergency order because the C-43 may be a better way to move the water in than through the S2 and S3 structures which had higher phosphorus levels. Neal McAliley asked about the average phosphorus concentrations of the water going into the lake. Joan Lawrence promised to find out the response.

Wayne Daltry mentioned the Governor would be coming down to the lake with a federal declaration of drought for emergency relief of lakeside communities because their economy is tied to tourism.

### Land Acquisition Issue Team Update

Rick Smith stated the team has met twice and has agreed on a draft data sheet format (Enclosure 11). There have been some discussions to determine if the data could be used to help satisfy some of the Goal 3

reporting requirements. Team put together a schedule for putting together the Land Acquisition Plan.  
**Follow-up: Working Group members were asked to provide comments on the draft.**

#### East Everglades Land Acquisition Update

Maureen Finnerty provided a status update (Enclosure 12) of the progress made to date, it is hoped that acquisition will be tied up by the end of the year. Acquisition will be completed by the end of the year. She also announced that with the start of hunting season users will be educated that hunting is no longer allowed. Barbara Junge displayed a map highlighting those areas already under federal ownership.

#### Regional Forum Updates

##### Southwest Florida Issue Team Charter

Rock Salt presented the draft Charter (Enclosure 13) for a first reading. Similar to the protocol used earlier in the day on the Biscayne Charter, the Chair has been asked to assist in a nominating committee for the non governmental representatives. The scope of this team is limited and does not include the Caloosahatchee Watershed. Wayne Daltry explained that the Big Cypress Basin is defined as the Big Cypress Basin of the Water Management District plus a smaller area of Estero Bay and a lot of the resources available are people who are in the SW Florida drainage basin so you are bringing in participation from people who have to cross the boundary line. Rock Salt asked the Working Group if they wanted the team to revisit broadening the area to include the Caloosahatchee. Ronnie Best agreed the team should revisit the issue. Mary Ann Poole made a motion recognizing there are folks who know the SW Florida system better than many of the Working Group members, for the appropriate people present the rationale of why this was done as well as the pros and cons of adding the Caloosahatchee. Frank Duke seconded motion. Rick Smith suggested the Working Group ask for the Caloosahatchee Basin to be added because it makes more sense geographically. Billy Causey amended motion to allow a member of the Working Group to meet with the team. Ernie Barnett suggested defining the purpose more clearly first.  
**Action: Working Group voted in favor of the motion to have the Big Cypress group discuss with the Chairman as to whether a bigger team would better meet the needs of the Working Group and still fulfill the Big Cypress group's desires.**

##### Kissimmee Valley Forum Results

Catherine Johnson noted the forum was held to revisit the PCT process which was started in 1997. The PCTs did increase awareness of projects, concerns and issues and gave foot soldiers such as her a better understanding of the big picture. A regional forum was held on April 10 in the Kissimmee Valley and proposed follow-up plans (Enclosure 14) were developed.

##### Kissimmee Valley Issue Team Charter

Rock Salt presented the draft Charter (Enclosure 15) for a team to replace the former PCT. Charter will be presented for approval at the September meeting. **Follow-up: Working Group members were asked to provide comments.**

##### Public Comment

None

Meeting adjourned at 5:40 PM.

*Approved Meeting Minutes  
South Florida Ecosystem Restoration Working Group  
Lake Placid, FL  
July 25, 2001*

#### Welcome and Administrative Announcements

Meeting called to order at 9:55 AM, motion made by Ronnie Best to approve minutes, seconded by Fred Rapach. Working Group approved minutes with Fred Rapach's written edits.

#### SCT Update

Ronnie Best and John Ogden provided an update on SCT priorities:

- SCT looking at the monitoring program and putting together a workshop with independent panel
- AAP meeting is tomorrow
- RECOVER will be turning to SCT for science review
- SCT Membership has a list of members with at least one-third who have been inactive, Working Group was asked to revisit the membership
- Ronnie Best to schedule a flow workshop after it has been presented to the SCT
- SCT will be meeting in conjunction with the CROGEE in September

Ronnie Best provided the SCT letter (Enclosure 16a) and noted a subcommittee of the SCT is also developing a white paper which emerged from the Flow Workshop held in December. He noted any decision made on Tamiami Trail needs to consider the broader scale ramifications of the activity relevant to flows and decompartmentalization. He admitted to the procedural error in not sending the letter to the Working Group instead of the agency with the lead responsibility. He also admitted that a specific alternative should not have been addressed and the alternative was used an example of the best plan in place at this time. He stated the SCT would be more careful in the future when presenting science information needs. He noted Terry Rice was unintentionally left off the SCT notification list and this has been corrected. Wayne Daltry accepted the apology on behalf of the Working Group.

COL May agreed the Corps wants to make sure they have the best scientific opinion, but all the issues need to be included. Rock Salt noted the SCT has asked for a significant amount of time at the September or November meeting to have a more detailed presentation on flows. Fred Rapach said this letter was premature and based on an opinion. John Ogden explained the letter is strongly based on the flow workshop which occurred at the Science Conference in December. There was a strong, clear agreement that flow has a role much more than a physical role. It has an ecological function, not fully understood in a quantitatively, strong consensus was to not recognize that sheet flow has an ecological role in the central everglades. Terry Rice stated there are FACA implications and the Working Group needs to make sure it doesn't come up again, he urged the Working Group to discuss the vehicle for the SCT to use to communicate with the WG. He agreed that connectivity is important to restoration, but sometimes there is a tradeoff between connectivity and hydrologic restoration and this letter does not consider the hydrologic restoration aspect and the balance is not right.

Michael Collins noted the Task Force still exists even though it does not have federal appointments as of yet. The Vice Chair position was established when the Secretary of Interior and the Governor both agreed that continuity was needed during changeovers. Gene Duncan stated the Working Group needs to provide leadership and guidance to the SCT. He urged the Task Force and Working Group sit down and discuss where it is going. Mike Collins agreed this should be discussed at the next Task Force meeting. Neal McAliley urged the Working Group to not be afraid of science and scientific opinions and in looking at the SCT letter need to be careful to not put ourselves into the box. Billy Causey agreed that although the SCT failed in following the process when it issued the letter it was actually forming a scientific opinion among a group of experts and put something out of substance. **Follow-up: the SCT role will be discussed along with the Working Group role discussion, science related to flows under Tamiami Trail will be scheduled for discussion at a future meeting.**

### Goal 3 Steering Committee Update

Linda Friar reported the team has been working on a draft and a full day workshop will be scheduled to work through that draft in August. Going back to County Commissions to let them know what is going on.

### Executive Director's Report

Rock Salt reviewed the Working Group Workplan (Enclosure 17a), timelines for Goal 3 and Land Acquisition needs to be changed. Ongoing Actions/Issues Tracking Chart (Enclosure 17b) tracks those items chosen by the Working Group. The report produced by Carole Goodyear has been referred to the SCT and Bob Doren will help in the development of Noxious Exotic Animal Task Team (NEAT) (Enclosure 17c). Issue Team Tracking Chart (Enclosure 17d) reviewed and it was noted that the Sustainable Agriculture and Lake Okeechobee Issue Teams have finished tasks they have been given. They are rated amber because they are dormant. Richard Harvey asked if teams stay on the list until the Working Group removes them. Rock Salt clarified it is up to the Working Group to decide when to sunset a team. Richard Harvey said it would be appropriate to have Carl Havens provide a Lake Okeechobee update. Mary Ann Poole requested Don Fox be included in the discussion. Henry Dean noted Lake Okeechobee restoration would be one of his top priorities and welcomed the Working Group's assistance in moving this ahead. **Follow-up: Rock Salt, Richard Harvey and Henry Dean to have follow-on discussions and an update will be scheduled for the next meeting.** Mid-level federal appointments are being made and Congress will get to these after August recess. Task Force meeting scheduled for October will be rescheduled. Meeting calendar being revised to accommodate a joint meeting with the Water Resources Advisory Commission. December meeting dates being moved forward. Biennial Report (Enclosure 17e) presented.

### Dispute Resolution

Joan Lawrence presented the Dispute Resolution Recommendations (Enclosure 18). Team members (Neal McAliley, Patty Power, Rick Smith, Rock Salt and Marsha Bansee) looked at how to propose an issue. Team agreed that any Working Group member could present an issue in writing for Working Group consideration, issue should significantly affect the progress of restoration, timing should be appropriate for discussion of issue and a panel would be convened to clarify the issue and the potential outcomes. The Working Group should discuss whether it would take up an issue over the objection by one of its members followed by a two-thirds majority vote would be needed to consider the issue. If the Working Group decides to consider the issue it should also decide what action would be taken.

John Outland noted some issues are time sensitive and asked how long it would take for a resolution. Joan Lawrence the issue could be worked through by phone if needed and the vetting panel would save time and not add to it. Fred Rapach recommended that before an issue is brought before the Working Group that two additional members would second the proposal. Terry Rice stated the Working Group should consider if an issue would be discussed based on manpower and on its importance and not based on whether or not someone wants it discussed. **Follow-up: Working Group members were asked to provide comments on the proposed protocols by August 3, 2001.**

### Legislative Update

Rick Smith announced Committee week will be in September this year.

### Litigation Update

Neal McAliley reported on the recent court rulings:

US vs. SFWMD – consent decree case before Judge Hoeveler, court granted the government's motion to modify the decree to incorporate the larger technical plan and extend the deadlines. In the April order, Judge Hoeveler asked the parties to submit papers on the issue of whether he should appoint a special master to oversee the efforts related to the water quality cleanup. Those were filed ten days ago by the various parties.

Miccosukee Tribe vs. US – Restudy case, joined by the sugar interests alleging the Chief of Engineers' report contained new proposals not analyzed in the April 1999 PEIS. Plaintiffs have dismissed their claims

in exchange for a letter from Neal McAliley clarifying the relationship of the new Congressional Law to the Chief's Report.

Miccosukee Tribe vs. US – Airboat case, Miccosukee Tribe challenged the Park Service decision to authorize commercial airboat tours out of Everglades City on NEPA grounds and because they wanted the claim to right of first refusal to provide the tours. Court granted the Tribe's motion for partial summary judgement in August and shut down the tours. The court issued a ruling on the remaining motions and found the remaining claims are moot and unripe at this time because there are no tours.

NRDC vs. Corps and SFWMD – alleges the Corps is violating the Endangered Species Act because the Corps has not done the exact measures identified in the Fish and Wildlife Service's Biological Opinion on the Sparrow and the reasonable and prudent alternatives. The Corps has taken action to address the needs of the sparrow and the issues have been narrowed over time. Environmental groups have filed a motion seeking a preliminary injunction directing the Corps to implement the exact provisions of the RPA. Magistrate Judge issued an opinion recommending to the court that the motion for preliminary injunction be denied.

Miccosukee Tribe and South Dade Farm Interests vs. US – Tribe is challenging the Corps measures to address the needs of the sparrow and alleges violations of several laws including NEPA. Both sides have filed motions asking the court to rule on the merits of the claim. Magistrate Judge has issued an opinion on the NEPA issues and recommended the Corps prepare a finding of no significant impact on the ISOP or do an Environmental Impact Statement.

John Outland informed the Working Group that the Department had begun rule development for the development of the phosphorus numeric standard required under the Everglades Forever Act. **Follow-up: Neal McAliley requested a briefing on the process at the next Working Group meeting.**

### Environmental Justice

Thaddeus Hamilton reviewed the background and mission of the Coordination Team (Enclosure 20). A Coordinating Team will initially consist of Working Group members will deal solely with environmental justice and outreach. The Team will develop a draft Charter for presentation at the September meeting as well as a draft guidance document. COL May agreed there is a great role for the Working Group in the outreach communication effort. He noted the Corps and the SFWMD have held focus group meetings in developing the Project Management Plans. He stressed the importance of members to look for opportunities to work together and share information.

Maureen Finnerty agreed outreach is a critical piece and there are a lot of people trying to deliver a message and efforts need to be coordinated. She suggested a presentation at a future meeting by each of the agencies that are gearing up to do these types of activities. Henry Dean also supported this idea and noted it was one of his top priorities. Brad Brown made a motion to direct the team to develop the team charter. **Action: Working Group directed team to prepare a draft Charter for consideration.**

### Discussion of Working Group Role

Wayne Daltry noted this is not a one-hour discussion and the issues will be put on the table today and the discussion will be continued until the next meeting at a hosted social (with food and drinks) with staff and round tables. A written report will be prepared recommending changes to the Working Group's mission and presented to the Task Force. Rock Salt reviewed the materials (Enclosure 21) for the discussion.

Fred Rapach said the role needs to change as the implementation phase is entered into. Currently have all the key players and people attending these meetings and it would be beneficial to discuss these issues. Thaddeus Hamilton echoed Fred's comments and added that this group has the opportunity to make a difference in the outreach effort to the 7 million people who need to know what is going on. Billy Causey stated the Working Group has had success in doing what it has set out to do and suggested the need to now expand the focus. He stressed this ecosystem is far greater than CERP. The Working Group provides the perfect public forum to vet issues.

Terry Rice noted the law states the Task Force shall facilitate the resolution of disputes. He agreed with what everyone has said but believed that the best work so far has been when tough issues have been undertaken. He stated he likes to come to these meetings to resolve conflicts and many could have been resolved without going to court if they had been brought to the table earlier. Beth Carlson suggested this group should identify those issues that could be roadblocks to CERP implementation and resolve those conflicts ahead of time. Neal McAliley stated a lot of the angst over the role of the Working group is because of expectations. The Working Group is not an agency and has no collective agency authority or money. The Working Group is a forum where entity representatives can meet to discuss the common efforts, identify issues and try to find a common solution.

Rick Smith supported focusing on greater efficiencies wherever possible and suggested going through the Charter to make sure that the Charter reflects what it is the Working Group wants to do. He pointed to the Cross Cut Budget which is an invaluable tool in reporting how much is being spent on Everglades restoration.

Isaac Hoyos stated restoration is a long term activity and this is just getting started. Today there are many groups but envisioned hundreds of groups, teams and subcommittee in 5 – 10 years from now. The Working Group should focus in being a coordinating entity and bringing issues forward and assist in ensuring which agencies should be resolving the issues. He suggested changing the format of the Working Group meetings to be more efficient in the future. Rock Salt clarified his job is to coordinate those things the Working Group wants to do.

Patti Webster said not enough attention has been paid to the urban system and asked for that to be factored in to what this group is doing. Mary Ann Poole stated WRDA 96 Is flawed in that it was written from a totally federal standpoint and did not take into account the non-federal/non-water related issues.

#### Public Comment

Mike Richardson (First National Bank of Homestead) noted the distressed caused by the Corps' comments regarding the raising of canal levels at a recent workshop.

Wayne Daltry thanked Mary Ann Poole on behalf of the Working Group.

#### Enclosures:

1. Agenda
2. draft May meeting minutes
3. Biscayne Bay Watershed Team Charter
4. Supplemental List of Members for Biscayne Bay
5. Kissimmee Project Power Point Presentation
6. Water Projects and Initiatives Power Point Presentation
7. PMT Power Point Presentation
8. RECOVER UPDATE
  - a. Memorandum of Understanding
  - b. Action Items and Results
9. Programmatic Regulations Power Point Presentation
10. draft ASR Team Charter
11. Land Acquisition Project Sheet Outline
12. East Everglades Land Acquisition Update and Pie Chart
13. draft Big Cypress Basin Regional Restoration Coordination Team Charter
14. Kissimmee Valley Proposed Follow-up Plans
15. draft Kissimmee Valley Issue Team Charter
16. SCT Update
  - a. SCT Charter
  - b. SCT letter to COL May (dated June 12, 2001)
  - c. Dexter Lehtinen letter to COL May (dated June 26, 2001)

- d. USACE letter to Ronnie Best (dated July 10, 2001)
- e. SCT memo to Working Group (dated July 20, 2001)
- 17. Executive Director's Report
  - a. Working Group 2001 Workplan
  - b. Action/Issues Tracking Chart
  - c. Exotic Animals Update
  - d. Issue Team Tracking Chart
  - e. Biennial Report
- 18. Dispute Resolution Recommendations
- 19. Draft Issue Proposal Form
- 20. Outreach, Participation and Environmental Justice
- 21. Working Group Role Discussion Materials
  - a. Water Resources Development Act of 1996
  - b. Working Group Charter
  - c. GAO Report Conclusions/Recommendations
  - d. Congressional Report Language
  - e. Working Group Guidelines
  - f. Working Group Protocol for Selecting Advisors