

*Approved Meeting Summary
 South Florida Ecosystem Restoration
 Mini-Working Group meeting
 Corps of Engineers Headquarters-Jacksonville District
 400 West Bay Street, Room 932
 Jacksonville, FL
 August 12, 2002*

COL May called the meeting to order at 1:05 P.M. He extended his thanks to everyone for traveling to Jacksonville to discuss the Strategic Plan. He explained that this meeting is being teleconferenced to the SFWMD in West Palm Beach. Rock Salt provided the members with the OEEECT Survey and instructed everyone to return the completed survey to one of the OED staff.

Working Group Members	August 12	Alternates
Ernie Barnett – FL Dept of Environmental Protection	√	
G. Ronnie Best – U.S.G.S.	√	
Brad Brown – NOAA, National Marine Fisheries Service	√	
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	-	Dave Score
Kurt Chandler – Bureau of Indian Affairs	-	
Kathy Copeland – South Florida Water Management District		Joni Burda
Wayne Daltry - Southwest FL Regional Planning Council		
Gene Duncan – Miccosukee Tribe of Indians of FL		
Maureen Finnerty – National Park Service	-	Bob Johnson
Roman Gastesi, Jr. – Miami Dade County	√*	*via W. Palm location
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	√	
COL Greg May - U.S. Army Corps of Engineers	√	
Peter B. Ortner – NOAA		
Donna Pope - FL Dept. of Transportation		
Fred Rapach – Palm Beach County Water Utilities Dept	√	
Terry Rice – Miccosukee Tribe of Indians of Florida	√	
W. Ray Scott - FL Dept of Agriculture and Consumer Services		
Jay Slack – U.S. Fish and Wildlife Service	√	
Rick Smith - Office of the Governor of Florida	√	
Ron Smola – U.S. Department of Agriculture	√	
Steve Somerville - Broward County Department of Natural Resource Protection		
Craig Tepper - Seminole Tribe of Florida		
Henry E. "Sonny" Timmerman - Department of Community Affairs		Dickson Ezeala
Kenneth S. Todd – Palm Beach County Water Resources Manager		
Joe Walsh - Florida Fish and Wildlife Conservation Commission	√	
Julio Fanjul, Special Advisor	-	
Rock Salt, Special Advisor	√	

Linda Friar reviewed what was needed from the meeting for completion of the draft Strategic Plan. The August 12 draft was presented for review with the intent to revise it after the meeting for presentation to the Task Force for their approval on August 23rd. The Preamble discussion includes the need to clarify the differences between the Strategy, CERP and Programmatic Regulations. Modified Water Deliveries hand out is a complete rewrite for that section of the document (old draft pages 88-89). Goal 3 section has been substantively rewritten and the underlined text is linked to Task Force decisions. Conflicting goals in Goal 1 (page 33) and the USFWS and Miccosukee Tribe have been developing text for this section. Decision made at the July 15 Working Group meeting to reverse the Task Force decision to make Goal 3d on environmental justice and equity an overarching principle. Joe Walsh asked that if there are inaccuracies in the land plan and the strategic plan. These are considered editorial and will be incorporated into both plans.

Preamble: Joni Burda from SFWMD clarified their recommendation to replace the 5th paragraph in the preamble. Fred Rapach moved that this be accepted and replace the text in the August 12 version. Joe Walsh agreed and stated that it is a succinct explanation. Terry Rice asked about the 5th line from the bottom of first page “the overriding challenge.” He suggested replacing all the words that come after the word “that” in the sentence to ensure the needs of both the natural and built environment are met. The word “similarly” should be deleted from the last sentence in this paragraph. Fred Rapach suggested the first line of the last paragraph should state “regional” perspective rather than “system-wide” perspective. After discussion this was withdrawn. Ron Smola made a motion and Jay Slack seconded. Working Group voted unanimously on the preamble with the two modifications as presented by Terry Rice and the SFWMD.

Modified Water Deliveries: Bob Johnson pointed out that the last sentence of page 88 makes a judgment call on how long this project is taking. He added that his discussion with Bonner revealed that a typical Corps project takes 25+ years to implement. Discussion about leaving the words “long delayed” in continued with Terry Rice speaking against taking these words out and Rick Smith supporting their deletion. Terry Rice pointed out that it was authorized in 1989 to be completed in 1997. As this handout was not part of the read-ahead, COL May asked that discussion be held at the end of the day.

Goal 3: COL May thanked Rick Smith for taking this project on. Pages 49 - 63 covers the Goal 3 language. Fred Rapach, referring to page 50, suggested deleting the words “water supply” from the sentence that begins with “Flood protection level of service and water supply” or substituting “water resources”. Linda Dahl explained that the whole paragraph is from the Dephi process conducted in 1996, prior to crafting the first Strategic Plan. He suggested another change—the need to quote from Chapter 373, rather than discussing the needs of the population. Ron Smola said he also provided comments electronically on Goal 3.

COL May suggested the savings clause section (pages 60 – 61) could also appear at the front of this section. Ron Smola, referring to page 51, underlined paragraph at the top of the page, suggested adding the language from page 44, last two sentence from the paragraph that starts with the word “Consequently” that the last two sentences be added to the paragraph to make this consistent. Linda explained that the final edit may not be exactly the same. Brad Brown said that since the general principle of equity and economic justice has been put up front, there is a need to assign responsibility and have an annual report from the Working Group. Rock reminded the Working Group that at the July meeting in Naples, there was a contingent of sportsmen representatives at the WRAC, including WRAC member Jack Moeller, stating this Goal 3 rewrite is much better.

Rick Smith added that people’s enjoyment of nature is arguably one of the strongest reasons for public support and thought it was too broad and sweeping a statement. Joe Walsh disagreed. COL May took the discussion back to page 50: substitute the wording from the WRDA 2000 similar to what has been done in other places in the document. Fred Rapach suggested quoting Chapter 373 and Ron Smola suggested updating the document to include the 2002 Farm Bill language.

Fred also spoke to the middle paragraph and not linking Florida water. The state of Florida would reserve the water generated by CERP for Everglades restoration and suggested deleting the rest of sentence after “in the January 2002 agreement...reserve the water needed by CERP”. Thaddeus said that if Goal 3d is included, those modifications would be accepted. Barbara Junge made a motion and Joe Walsh seconded to accept Goal 3 as amended.

Conflicting hydrologic goals: At the Task Force meeting, Dexter Lehtinen brought up the difficulty of maintaining a restoration focus when agency missions may be in conflict. The discussion was about the ESA and the sparrow. Ms. Klee expressed concern that the document was not the place to lay out issues that were in litigation, but rather a document to state facts. Terry Rice and Berry Rosen worked on language to address this with Rock doing a final edit of the suggested language. The 4th line down which states the mission of the USFWS is to protect the habitat of an endangered species may be in conflict with CERP.

Terry Rice agreed the Task Force acknowledged this is an issue and added that while Dexter has not seen this iteration, he would prefer to just pull this section. Jay Slack said the USFWS would like to put this

issue on the table to address issues that will arise in the future. Terry clarified that the issue is that over the last 8 years, the sparrow has been declared an endangered species and has dictated water management regimes that are contrary to restoration. There are currently higher water levels in the WCAs and lower water levels in the sparrow habitat. The CERP, based on the NSM, continues to flood WCA 3-A. Other conflicts that may arise include discussion of the removal of the causeway since there are now reefs that have developed on the backside of the causeway. Fred asked whether habitat relocation is acceptable under the Endangered Species Act. Jay responded that while it is, the temporal nature of that relocation needs to be understood and the gap between the short and long term need to be bridged. Terry said this a policy discussion at a higher level and thought the conflict issue could be laid out as a new discussion. If there is a modeling problem that should be laid out then Dexter has asked for this section to be pulled. Barbara Junge suggested keeping the first two sentences in and taking out the next two sentences from struck - is successful” and keeping in “while long term”. COL May said the choice is to come up with general language or use specific examples. He asked that this be discussed again at the end of the day. Fred stated that the task of the Working Group and Task Force is to resolve conflicts between members.

Sub Goal 3D: Rock reminded the Working Group that at the July meeting, the decision was made to put goal 3D back into the document even though the Task Force said to take this out. Thaddeus clarified the July motion that it was not the intent to tell the Task Force what to do but rather recommend this would strengthen the document and the restoration effort if it were put back in. Fred did not agree with the statement and added that unless there are measurable objectives for 3D, it would get lost. Fred suggested that the Task Force desire be satisfied by moving a discussion of 3D both to the front of the document and retain measurable objectives. Linda pointed out that brownfields was retained. Thaddeus asked about the USDA 1000 (Earth Team) volunteers to “train the trainer” and the other goal to increase public awareness by 50%. Rock asked for a project sheet for these measurable objectives so that progress can be tracked. Regarding the surveys, the USDA cannot conduct surveys but their partner, South Florida Ecosystem Restoration Council, may be able to conduct them. Barbara Junge asked for clarification of the July vote and recommended that if the Working Group is telling the Task Force that goal 3D must be part of the document despite the Task Force’s decision, then “we should move away from that action” and have a separate discussion of whether the survey and the team of volunteers link to Goal 3 and whether there should be a 3D section. COL May appreciated Thaddeus’ clarification of the intent of the July motion to elevate the issue of environmental justice and equity and to incorporate this component into each of the three goals. Joan Lawrence and Ellen Underwood clarified that the SFWMD intends to conduct a survey to assess baseline public awareness of CERP, not the greater ecosystem restoration effort. Thaddeus expressed concern that the work generated by the sub-team on Goal 3 did not make it into the document. COL May said that the brownfields and the 1000 member team have enough details to incorporate into the Strategic Plan, but more information about the survey is needed and may be incorporated into future plans.

Rick asked for clarification on the document on USDA letterhead—there is no intent to have a goal 3d—the intent is to elevate this into an overarching principle. Linda explained the Executive Summary summarizes the concept, which is expanded on later on in the document. Brad asked for a measurable objective and the Working Group would provide an annual assessment of this work. To that effect, the Working Group will prepare an annual evaluation. Ron suggested removing the period in the discussion of OEEECT and insert including establishing measurable objectives for each goal at the top of page 21. Barbara Junge noted that at the last OEEECT meeting it was discussed that outreach, economic equity and environmental justice unfortunately get used interchangeably but are distinct. She suggested a language change that Ron accepted.

Public Comment

Mike Webster (Florida Wildlife Federation) said the concern is that the land acquisition process is not keeping pace with development and urged that this be a priority. CERP benefits are too far in the future. Also concerned with Lake Okeechobee and “it’s sad state”. He was gratified that people are included in the equation and added that embracing cultural diversity is key and needs to continue and pointed to the Big Cypress Act that included people. He provided a copy of his statement.

Patrick Hayes thanked the group for including the Loxahatchee River and provided language to be added to page 26 as well. He also hoped that comments made at the WRAC LAC be included.

John Arthur Marshall reiterated his comments made at the June meeting and noted he was trying to get more definitions in the document (i.e., target, baseline). The document is activity based, not results based, it is not moving towards what the GAO is asking for. He referred to table 5-1 in the yellow book that define when the goals of CERP are met. The failure to move to a results based document (rather than an activity based approach), doesn't address the GAO concern and concerns him.

Continuation of 3D discussion: COL May asked whether Barbara's proposal addresses the Goal 3 concerns. Brad replied that the end result he wants is a document on next year's agenda that is an annual evaluation. As a private citizen, he knows there is an interest in a document to evaluate progress in including the environmental justice and economic equity element. For example, this evaluation must be a part of the CERP PIR process. COL May asked how would this be addressed for non-CERP projects. Brad said this could be a suggestion from the Working Group. Barbara pointed out that this annual evaluation could emerge as a component of the OEEECT strategy. Col May asked the more difficult challenges will be in inserting these issues into non CERP projects and the Working Group and Task Force should think more about this issue. Brad said that this would be the value added.

Referring to the underlined paragraph on page 31 and the similar paragraphs on pages 44 and 51, Thaddeus asked for the word "outreach" be added into these paragraphs in front of environmental justice. Rock said the intent was to take the concepts in 3D and incorporate these into the larger document. Brad said that outreach could be a part of the trinity. Fred asked how the WMD and the Corps would measure their outreach efforts. COL May said this is still being worked out and a management plan has just been signed. Rock pointed out that on Page 18, the document tried to deal with this in a broad way. Brad also wanted recognition of the diversity of the population in south Florida. Jay Slack added an edit on page 31 in the first sentence towards the end, rather than a negative sentence, perhaps say "result in benefits to all members of the south Florida community". Brad said they may want to keep that language from the Executive Order and WRDA 2000 and add a sentence about the desire to benefit everyone. Decision reached to add "and result in overall benefits" at the end of that sentence.

Outreach: COL May, referring to page 19, asked whether the concept that outreach was for everyone was captured and whether it speaks of the broad diversity of cultures in the south Florida. It was decided to clarify that concept and the measurable objectives. Ron, referring to page 31, said it should read recommend possible measurable objectives and he made a motion for the Working Group to accept as a package. Thaddeus clarified that to help implement the 1000 member Earth Team, he'd like to include the South Florida Ecosystem Restoration Team. Linda asked that the project sheet identify that body. All the drafts and edits were accepted by unanimous consent.

Modified Water Deliveries: Terry Rice presented an edit of the language offered earlier with an alternative to "long-delayed" and asked to include the 1997 completion date. COL May expressed concern that this would need a larger discussion of the history of the project. It was stated that most of the history is in the document. Dickson Ezeala didn't want the last sentence taken out. Terry asked for the inclusion of language about enhancing the WCAs. Joan Lawrence provided the language from the 1992 GDM. The language was accepted as modified. Rick Smith moved and Thaddeus Hamilton seconded. It was unanimously accepted.

Conflicting hydrologic goals: Barbara suggested either leaving the specifics out or DOI comments. Terry said he could discuss this with Dexter and USFWS would need to review. The Miccosukee position is that this discussion comes out of the document. Another alternatives would be to include a discussion of the specific ESA issues in conflict (sparrow and causeway). Fred supported Barbara's version. COL May said that closure will not be reached today and the tribe would like to see this issue addressed in writing. COL May suggested that we use Rock's piece without the specific examples per Barbara's suggestion and insert this in before Goal 1. Terry said "we need to understand that we had an ecosystem in one state before man settled throughout south Florida and another ecosystem today" and added that there needs to be a way to make decisions about these conflicts. Ronnie offered that the section on page 22 dealing with conflicts could present these issues. COL May proposed another big topic: Resolving Conflicting Restoration Goals on page 22. Ron Smola made a motion and Ronnie Best seconded to accept the conflicting restoration goals generic section on page 22. Rick explained that the state's program is a willing seller program and

“willing sellers is a first priority and eminent domain will be used as a last resort” and this was accepted by the group. It was also noted that the bottom of page 86 needs to be updated to reflect STA 3-4 and 1-E will not be finished on time. Dave Score noted a section removed from the June 13 version on agency coordination in the Goal 3 accomplishments, which needs to be reinserted. Linda Friar to make the tweaks and provide it via e-mail to the Working Group and Task Force by the end of the week in preparation for the August 23 Task Force meeting. Factual and editorial comments will be accepted.

Meeting adjourned at 5:00 P.M.

Enclosures:

1. Agenda
2. Draft Strategic Plan
3. Working Group Issues