

*Approved Meeting Minutes
South Florida Ecosystem Restoration Working Group
SFWMD, West Palm Beach, FL
January 6, 2004*

Welcome and Administrative Announcements

Jay Slack convened meeting at 1:00 PM and said the membership changes for the Biscayne Bay Issue Team would be scheduled after the break on the first day's agenda (Encl. 1) and a public comment period would be added on the second day at 12:15 PM. The meeting minutes (Encl. 2) were presented and would be scheduled for approval the following morning. He noted the session entitled "Status of Working Group Initiatives" is a follow-up action to the discussion of Task Force priorities. He asked members to introduce themselves noting the web cast now provided video in addition to the audio feed.

Working Group Members	Jan. 6	Jan. 7	Alternates
Ernie Barnett – FL Dept of Environmental Protection	-	-	
Frank Bernardino – South Florida Water Management District	-	-	Joni Warner
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	√	√	
Alex Chester – NOAA, National Marine Fisheries Service	√	√	
Carol Clark – National Park Service	√	√	
Wayne Daltry – Southwest FL Regional Planning Council	√	√	
Dennis Duke - U.S. Army Corps of Engineers	-	√	COL Carpenter
Gene Duncan – Miccosukee Tribe of Indians of FL	√	√	
Christopher M. Flack – Office of the Governor of Florida	-	-	
Roman Gastesi, Jr. – Miami Dade County	√	√	
T. Niles Glasgow – U.S. Department of Agriculture	√	√	
George Hadley – U.S. Dept of Transportation	-	-	
Richard Harvey – Environmental Protection Agency	√	√	
Norman O. Hemming, III - U.S. Attorney's Office	-	-	
Kenneth B. Metcalf - Department of Community Affairs	-	-	
Donna Pope - FL Dept. of Transportation	-	-	Marjorie Bixby
Fred Rapach – Palm Beach County Water Utilities Dept	√	√	
W. Ray Scott - FL Dept of Agriculture and Consumer Services	√	√	
Jay Slack – U.S. Fish and Wildlife Service	√	√	
Craig Tepper - Seminole Tribe of Florida	-	-	Michelle Diffenderfer
Kenneth S. Todd – Palm Beach County Water Resources Manager	√	√	
Anna Townsend – Bureau of Indian Affairs	-	√	
Vacant - Broward County Department of Natural Resource Protection	-	-	Patti Webster
Joe Walsh - Florida Fish and Wildlife Conservation Commission	√	√	
Jess D. Weaver – U.S.G.S.	√	√	
Greg May, Special Advisor	√	√	
Rock Salt, Science Coordination Group Liaison	√	√	

Whiparound

Wayne Daltry said that as a representative of Lee County he regularly briefs and updates the southwest Florida folks on the activities of this Working Group. Carol Clark introduced herself as a new member and as the Acting Superintendent for Big Cypress National Preserve. Alex Chester introduced himself as a new member and said that his agency's major concerns are with regards to water quality, quantity and timing. Billy Causey noted the Florida Keys National Marine Sanctuary is the second largest in the nation with 2,900 square nautical miles. Their focus is on management of the marine environment in the Keys. He announced the opening of the Dr. Nancy Foster Environmental Center, a three-acre visitor center in Key West on February 19th. Joe Walsh said his agency is undergoing a strategic reorganization. Anyone interested in providing comments on how they could improve their customer relations relative to this effort was asked to provide comments online at www.floridaconservation.org. Gene Duncan introduced himself as the Water Resources Director for the Miccosukee Tribe's more than 300,000 acres. Patti Webster, representing Broward County, said the county was very supportive of the restoration effort and wants to ensure the urban and ecosystem interests are integrated. The Broward County Secondary Canal Improvement Project, enabling the county to become independent of the regional system, seems to be on the back burner and she hoped this could be addressed at a future meeting. COL Carpenter said that as

District Engineer for the Jacksonville District COE he was very committed to restoration of the Everglades. Rock Salt said he was sitting at the table as the liaison for the newly established Science Coordination Group (SCG). The first SCG meeting is scheduled for January 15 – 16, 2004 at the Westin Key Largo. A subsequent meeting is scheduled for February 10–11, 2004 with that location to be announced. The SCG will assist the Task Force in its Congressional task of preparing the Integrated Science Plan by September 2004. Greg May, Director of the Task Force introduced himself. Jay Slack introduced himself as the Chair and as the Supervisor of the FWS' Vero Beach office. He stated that he would attend the SCG meetings as the Working Group representative. Joni Warner reminded everyone that a full ASR update would be provided at the WRAC meeting on Thursday. Roman Gastesi said he attended the first CSOP Advisory Team meeting and congratulated staff on a very organized meeting. He noted that Dade County established a Climate Change Adaptation Task Force dealing with sea level rise. Anyone interested in attending the second meeting should see him for details. Richard Harvey said he would miss the ASR presentation due to a prior commitment. He participated in a conference call after the last Task Force meeting with Eric Bush, Paul Warner, Greg Knecht and Eric Hughes to discuss the status of the guidance memo dealing with water quality issues and how the different CERP components will or will not address water quality. He thought the draft guidance memorandum was well written and is currently awaiting Corps HQ approval. He announced that Tracy Mehan resigned at the end of December. Ben Grumbles may be named the new Task Force representative. Marjorie Bixby said she was representing Donna Pope from DOT. Michelle Diffenderfer noted that the Seminole Tribe was the local sponsor on a Critical Project with USACE dealing with restoration of the western portion of the reservation. She stated that the Tribe is starting a scope of work with NRCS on a possible restoration effort along the eastern basin. Niles Glasgow announced that Ron Smola retired on Jan 2, 2004 and that he would serve as the new Working Group representative and that Bill Reck would be the SCG representative. He announced a public hearing in Ft. Pierce on Feb. 11 where they will be taking comments on the Conservation Security Program under the Farm Bill Program targeted towards watersheds. Jess Weaver introduced himself as the new representative for USGS out of Atlanta, GA. Fred Rapach introduced himself as the Policy and Program Coordinator appointed to the Working Group by Clarence Anthony and added it is extremely important to have local government representatives on this group. Ken Todd representing Palm Beach County echoed Fred's comments.

Task Force Update

Greg May announced that the next Task Force meeting is scheduled for February 17-18, 2004. He noted that the Working Group membership list (Encl. 3) is still in draft form as a few agencies have not finalized their input. Continuing the discussion at the December mini-meeting regarding Task Force priorities, he said that they were in a transitional period. A lot of energy and time was devoted to developing the conceptual plan. Now that the plan is being implemented, the workload will continue to increase for the next several years. He recognized that there are limited resources and keeping up with all of the various meetings alone could be a full time job. He said that the group needed to continue to explore the best and highest use of their time to complement and not duplicate what the agencies are doing. Fred Rapach said there will be a lot of work to be done as outlined by the programmatic regulations and this group could play a proactive role in getting the requirements and timelines met. Greg said there were several categories of priorities that needed to be fulfilled on behalf of the Task Force, some discretionary and some non-discretionary. The Task Force determined three discretionary priorities for 2004 at its December meeting: 1) CERP Implementation to include interim goals and targets and water quality policy; 2) CSOP/mod waters completion; and 3) multi-species management. Non-discretionary priorities for 2004 include the Biennial Report and Strategic Plan update. Finally the Programmatic Regulations require the Army to consult with the Task Force on a number of issues. He noted as an example the mini-workshop on Programmatic Regulation implementation scheduled for the following day. He said the Working Group needs to decide whether to concentrate at the programmatic level. Fred replied that he was not sure whether they could stay at that level.

Wayne Daltry said the group should program audit itself to keep restoration on track. We need to be asking whether we are achieving the intended results. We need to determine what constitutes success, determine indicators of that success, and establish a monitoring program to see if our investment program is paying off. Greg asked how the Working Group would differentiate between what the agencies are doing versus what the group is doing. Wayne pointed to monitoring as an example and investment, adding he did not care who was doing it as long as it was being done. There needs to be a coherent discussion to determine

whether the composite efforts are achieving what they want. Jay Slack said the group needed to think about how to best add value. Rock noted the SCG is a new variable, that could focus on the outcomes part of it and the Integrated Science Plan could focus on the outcomes/production side. Billy Causey said the new SCG role versus the WG role will be the critical element to success. He thought we needed to sit down with the managers and scientists and figure out the gaps. He noted that there are non believers in the Keys who do not get the concept of QQTD and only see more water in Florida Bay. The public needs to be brought on board and the scientists and managers need to be prepared to answer those hard questions. Gene Duncan said there was a problem with unity of command. The integration of policy and science and the relationship between the SCG and RECOVER needs to be determined. Greg said that he was reminded of a three dimensional chess game noting there was an appropriate role at all three levels. This is the only place where everyone comes to the table and offers the possibility of the total-picture perspective. Michelle said it was important to the Seminole Tribe to have one group for achieving, discussion, consensus, to ensure they are still on track as they look at the projects programmatically. She said the Seminoles were pleased that the Programmatic Regulations stated that the Task Force was that one group. Patti Webster said she heard the Task Force say at its December meeting that there could be a role in helping to develop WRDA 2004. Fred Rapach said that when the ASR Team met it was a neutral ground and the key to success was that the agency hats came off. **Follow-up: Members were asked to e-mail other suggestions.**

Status of Working Group Initiatives

Jay Slack said that Working Group now has a list of issues important to the Task Force. The teams will report on their activities enabling the Working Group to determine how this fits in with their priorities.

ASR – Richard Harvey said the team is in limbo. He served as co-chair along with Fred Rapach and the team prepared a report and was actively involved in the CROGEE process. When he lost staff to assist him and had to resign as Chair and no one has picked it up. If the team were to be active again, he would recommend that it should track the progress of the pilot projects to make sure issues and concerns are addressed such as those 7 – 8 issues identified by the team. It should also address the regional issues noted by CROGEE and the memo John Hankinson sent to the USACE and WMD (Sam Poole) regarding the microbial die off issues. He said he believed the team added value and consisted of representatives from multiple agencies to look at issues beyond federal and state regulatory concerns such as changes to stored water and whether it could be discharged back. ASR is an integral part of the CERP effort, and other ways to store water would need to be found if it does not work as envisioned. Rock Salt said he was not sure how much of the ASR issues are technical versus policy and was not sure if President's budget would have new start authority or not. Issues that relate to technical uncertainties and ensuring the protocols are in place to reduce those uncertainties fall under the Science Coordination Group portfolio. He said that if there were a need for follow-up, then it would be appropriate to have it under the Science Coordination Group with a linkage to the Working Group. Richard Harvey said they all need to know whether ASR will work and how well adding there would likely be some policy issues as to whether or not ASR could be permitted. Richard Harvey said he heard the sense of the group that ASR is critical. Fred asked if there had been any policy changes. COL Carpenter said there have been no change to the master sequencing and no policy shift.

Dispute Resolution – Joan Lawrence reported that WRDA 96 mandates the Task Force deal with intergovernmental conflicts. In May of 2000 the Task Force directed the Working Group to develop some options and they formed an issue team. The team developed draft protocols, but final action was deferred. Greg noted that the Task Force is very interested in taking on difficult issues. Fred said they needed to come to closure on this and asked whether the group needed to make a recommendation for this to be revisited by the Task Force. Greg said this remains one of the statutory duties and that the Working Group could help evaluate where dispute resolution would help move the process forward. He noted that by simply meeting and talking about some issues, potential differences have been resolved.

Lake Okeechobee Issue Team – Richard Harvey said team completed its work which was used as the basis for state legislation. He thought that it was appropriate to have Karl Havens update the group before it is retired. He said that the team had fulfilled its intended responsibility.

Outreach Environmental and Economic Equity Coordination Team (OEEECT) – Linda Friar said the team was charged with developing an inventory of agency outreach efforts and a strategy for coordinating those efforts. Many agencies conduct outreach in a broad arena and are not focused only on restoration. The team has not met since May 2003 and the strategy is incomplete. She noted that the Corps and WMD are doing a good job with their outreach efforts and a strategy may not change anything or add value. The team had not reached consensus on these points. Jay said there are many ongoing efforts within agency programs and there may not be a value added to completing this strategy.

Sustainable Agriculture – Niles Glasgow said the Agro-Ecology Workshop was held in September 2003 and they are looking to determine next steps. Ron Smola said that the document A New Look at Agriculture has been completed and it recommended seven areas where additional effort was needed. As a result of that report the Treasure Coast Regional Planning Council put on a symposium to look at land use planning. The team would like to continue to hold workshops and said it was a successful effort. The ARS leadership has asked their folks to work together as it relates to ecosystem restoration and Calvin Arnold has the lead. A meeting was held this morning begin building the agency partnerships.

Noxious and Exotic Weeds Task Team (NEWTT)/ Noxious and Exotic ATT – Bob Doren reported (Encl. 4) that unlike CERP, which had a clearly identified process and leaders, this issue involves more than 31 different federal agencies and 11 state agencies throughout the 67 counties. Only 28 of the counties have active programs. He thought that invasive species posed the biggest threat to the effort and cited *Lygodium* data as an example. He reviewed many of the team's key products including the special reconnaissance report they are working on with the Corps. Fred Rapach said the group recognizes this as a serious issue and asked that it be kept active.

Biscayne Bay Regional Coordination Team – Humberto Alonso reported the team has done a lot of work over the past year and a half to include work on developing an action plan. A facilitator has been hired and the WMD has provided dedicated staff. Completing the action plan will assist this group to coordinate and prioritize projects and assist agencies in developing their strategic plans. The team identified four areas to be addressed and they will begin working these areas with subject matter experts. He anticipates that the action plan will be completed within 90-days. Greg said that the regional teams leveraged resources by involving stakeholders, local government and industry. He believed that these teams fulfill many of the statutory mandates to coordinate and share information and provided a high return on the group's investment.

Kissimmee Valley Regional Restoration Coordination Team – Theresa Woody said the team served as a clearinghouse and provided everyone with a neutral ground to discuss issues. She noted the historical difference in perspectives between the individuals working north and south of Route 60. This team has worked to share those perspectives. The team has worked on a number of issues to include Lake Istokpoga and the Comprehensive EIS for the Upper Chain of Lakes. She said that the team understood that the Corps' authority was narrower than what they wanted to accomplish. They are continuing to participate in the long-term management plan being developed by the Corps. She noted that the team has the interest of agencies, non-profits and NGO's in the area.

SW Florida Regional Restoration Coordination Team – Wayne Daltry said that Dr. Lisa Beever and Bob Sobczak from Big Cypress are working with the team's standing subcommittees. A full presentation for the Working Group has been ready for some time. The team has been working on the Lee County Mitigation Plan as well as on numerous other projects including coordinating water quality. The team has been active and is meeting every two months. Billy Causey noted he visited mainland China and they are also dealing with algae blooms. They have a situation on the east coast of China similar to the west coast of FL and they are doing a lot of work with regards to remote sensing.

Jay Slack said he wanted to formulate something to present to the Task Force to further their priorities. He noted that the Land Acquisition Team would be working on revisions to the draft based on feedback from the Task Force. The CSOP Advisory Team met in December and he recognized that CSOP was a high priority for all of us. Greg May said that his staff would take a stab at the guiding principles and help narrow the focus by putting together a 2004 workplan to help align the priorities and activities with

upcoming meeting dates. Drafts of both documents would be provided electronically to members of the Working Group. He suggested the group conduct a straw poll on the teams to get a sense of what the group sees as having high value. Fred Rapach said the group needed to have a fair and equitable way of handling disputes. Greg May said that the need for dispute resolution was recognized in 1996 because of the huge scale of the restoration.

The Working Group used straw polls to develop a relative sense of value of the various teams.

- **Very High Value:** CSOP Advisory Team; Noxious and Exotic Weeds Task Team
- **High Value:** ASR Task Team; Noxious Exotic Animals Task Team
- **Medium Value:** Biscayne Bay RRCT; Kissimmee Valley RRCT; Lake Okeechobee Issue Team; Land Acquisition Task Team; SW Florida RRCT; Sustainable Agriculture Task Team
- **Low Value:** Dispute Resolution Task Team; Outreach, Environmental and Economic Equity Coordination Team

Jay Slack asked if there were things the group thought was missing. Wayne Daltry said there was not much this group could do if there is no interest locally. Billy Causey offered to check and see if there could be a linkage with the Florida Bay PMC and this group.

Strategic Plan Update and Discussion

Linda Friar provided a power point presentation (Encl. 5) reviewing the 2004 reporting requirements for the Strategic Plan update, Total Cost Report, Biennial Report and Integrated Financial Plan. Linda asked the members to identify a point of contact from each agency to help update the document. These POCs will prepare a draft document for Task Force review at their May 2004 meeting. She stated that the documents need to be submitted to Congress by September 2004. Joe Walsh asked for clarification as to how the state uses this document. Greg May responded that these documents fulfill the reporting requirements required by statute. He added that what may be of great use to a policy maker may have limited apparent utility to an implementer of policy. Joe Walsh said he was unclear how this document fits into the needs of his agency and asked for guidance in helping his agency understand that this is a valuable exercise. Greg stated that the committees that approve the authorizations and appropriations are many times the people asking for this information. Rock Salt said it originally started out as a federal only document but the state wanted to be included to demonstrate their contributions.

Biscayne Bay Membership Issue

Humberto Alonso said the team realized that they needed to adjust the membership of the team. To accomplish this goal they have been working with a facilitator and have developed recommendations on a revised membership list (Encl. 6). This list reflects new agencies and/or entities as well as individuals. Wayne Daltry made a motion to approve the list which was seconded by Billy Causey. Discussion followed as to whether they would be approving specific individuals or agencies. Rock Salt noted the statute provides for the Working Group to establish advisory groups to assist the Task Force, provided they are balanced. Wayne amended his motion to approve the names of the individuals and Fred Rapach seconded motion. Jay Slack suggested they defer this until the next meeting. Humberto said the team would bring back specific names for approval at the next meeting. Wayne Daltry withdrew his motion.

CSOP Advisory Team Update and Discussion

Carol Rist, the Chair of the CSOP Advisory Team, explained that the purpose of the team was to increase stakeholder participation. She noted that the first meeting was held on December 17 – 18, 2003 and five issue areas (Water Conservation Area 3B; operating rules for 8.5 SMA; buffer zone in southern part of the system; Taylor Slough, Shark River Slough, Florida Bay; and Water Quality) were defined with the help of Bob Jones from the Conflict Resolution Consortium. A schedule is currently being drafted to coordinate actions with the PDT.

Land Acquisition Team

Mark Musaus noted that general guidance was given by the Task Force on the 2003 update and the team is awaiting more specific guidance. The team has begun work on the 2004 update.

Meeting adjourned at 5:15 PM.

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January 7, 2004*

Welcome

Jay Slack convened the meeting at 8:35 AM and reviewed agenda changes to include the addition of public comment at 12:15. Anna Townsend representing BIA joined the meeting. Scott Glazer from SFWMD will assist on the litigation update and Programmatic Regulations will be discussed prior to the CERP update.

Litigation Update

Scott Glazer was joined by SFWMD General Council Sheryl Wood. Scott discussed two cases. The first case was the S-9 case before the Supreme Court. He said the District considers this a misapplication of the Clean Water Act. The District lost in two lower courts and appealed to the Supreme Court. The Court will hear the case next Wednesday (January 14). This case has nationwide application for those who move water around the county. The second case involves the Corps and the Lake Toho drawdown. The Corps was sued under NEPA by the Indian River keeper. The case was argued in West Palm Beach in December and the SFWMD intervened on the side of the Corps. The SFWMD wanted to get before the court that the District has worked with private landowners to store water and mitigate the impact of the drawdown. The Court ruled on Christmas Eve not to stop the drawdown. Staff reported that they are half way through the drawdown now.

Joan Lawrence provided a status report (Encl. 8) on the United States vs. SFWMD, the water quality lawsuit. The case was assigned to Judge Moreno and he appointed a special master named John Barkett in November. She noted that the TOC met with Mr. Barkett in November. The first report of the Special Master filed in December focused on three issues: the status of the Stormwater Treatment Areas; discharges to the Loxahatchee National Wildlife Refuge; and reductions in phosphorus loads from the Everglades Agricultural Area. On December 17, the Technical Oversight Committee (TOC) principals sent a letter to the TOC in response to the TOC's consensus recommendations concerning phosphorus levels at Loxahatchee Refuge. The principal's letter directed the TOC to prioritize action items and to consider how the action items interplay with the SFWMD's Long Term Plan. The next TOC meeting will be January 8 with Special Master in attendance. Another meeting with special master is set for January 21. The Miccosukee suit against the Corps concerning ISOP alleges it is an illegal operating regime. Tribe contends ISOP was implemented in violation of NEPA, the ESA and other laws and based on an insufficient EIS. Currently, the Tribe is appealing an order to dismiss the case as moot as the Corps has implemented IOP. The argument made by the Tribe is that the Corps must still do after-the-fact NEPA work on the superseded ISOP. Oral argument on the Tribe's appeal is scheduled for January 15 in Miami.

Programmatic Regulations Mini Workshop

Greg May explained that this mini workshop is in response to the Task Force's desire to have more focused agenda items that support the priorities. This workshop supports two Task Force priorities. The first priority is the consultation role laid out in Programmatic Regulations and the second priority is the interim goals and targets /implementation of CERP. Richard Harvey asked if it was proper for the Working Group to provide feedback directly to Stu and John and wondered if this input needs to come from the Task Force. Billy Causey thought that this is a good use of the Working Group agenda time and this discussion assists him in giving feedback to his principal on the Task Force. Richard said that he just wanted to be assured that they were not charging ahead without the blessing of the Task Force. Jay Slack said that this is a high priority for the Task Force and this mini workshop is an opportunity to understand what is going to happen in real time over the next year. He said that as the Chair, he has a responsibility to communicate to the Task Force. Richard Harvey wanted to clarify that the group was not voting and providing a recommendation to the Task Force. Greg May emphasized that this was not intended to result in a consensus recommendation to the Task Force, but rather to provide information to all the members who could then brief their Task Force counterparts. He said that it also provided an opportunity for the Corps and SFWMD to get immediate from the individual agencies. Michelle Diffenderfer reminded everyone of the timetable to meet the schedule in the Programmatic Regulations. By June 14, 2004 the recommended

Interim Goals and Targets will be given to the State, Interior and the Army with the consultation of the Task Force with final goals by December 13, 2004. She said that they need clarification on whether the Task Force would be working on Interim Goals and Targets and get their own briefings or whether they wanted to Working Group to advise them and asked for this to be on the February Task Force agenda. Dennis Duke responded that the purpose of the workshop is to provide background to the Working Group members to better advise the Task Force. The comments will come from the individual agencies with comments from the Task Force given to the Secretary of the Army.

Stu Appelbaum began the workshop with a PowerPoint presentation on implementing the Programmatic Regulations (Encl. 8) noting the bulk of the time would be devoted to the interim goals and targets. An Interim Goals Agreement must be produced by December 13, 2004. These goals and standards will be revisited every five years. Interim goals will be used to measure the incremental accomplishment of CERP. RECOVER was instructed to use the Master Implementation Sequencing Plan (MISP) as the basis for predicting performance. Stu reviewed the actions to be taken between now and December 13 to produce the Interim Goals Agreement. By June 14, RECOVER must provide recommendations on interim goals and interim targets; an Independent Science Review Panel must be established; the Pre-CERP Baseline must be set and the Initial CERP Update must be completed. By December 13, six Guidance Memoranda must be developed; the Interim Goals Agreement must be developed and the Master Implementation Sequencing Plan must be completed. Interim targets address the flood control and water supply provisions in CERP and these goals will be established by the Secretary of the Army and the Governor. RECOVER has the responsibility to make recommendations on these targets which must be reviewed every five years and are being established on a parallel track with the interim goals.

Billy Causey asked why the targets only proposed to deal with flood control and water supply and why water quality could not be included as an interim target. Stu Appelbaum pointed out that they do have a responsibility to meet water quality in the natural system. Gene Duncan is concerned that some goals will be given more weight than others, for example the rehydration of the NW corner of WCA 3-A seems to be given more weight than providing clean water to WCA 3-A and added that Modified Water Deliveries was to be a prerequisite of CERP. Stu Appelbaum said that RECOVER would provide a representative range of measures. The MISP will help determine what the interim goals will be based on the projects that will be in place. Gene said he was concerned that they are moving forward with projects when they have not cleaned the water being put into the Everglades. Stu Appelbaum agreed that the assumptions and prerequisites need to be clearly stated in the document.

Fred Rapach noted the consultation and involvement of the Task Force and Working Group on both flow charts and asked for clarification of those roles. Stu said this was a dynamic process to get the product in June and once it is handed off to decision makers, then the Interim Goals Agreement needs to be crafted. There will be another public process and there is some question as to whether the two documents will be the same. The RECOVER group will have provided their best recommendations to the decision makers and the decision makers will take the next step to craft the agreement. Fred Rapach asked whether there could be a conflict between a goal and a target. Stu Appelbaum said the two are to be compatible. Rock Salt said that perhaps the Science Coordination Group might be the right forum to address some of the questions that remain. Jay added that the Working Group needs a robust understanding of the science issues as well as the technical issues. Billy said that joint meetings with the science team might really assist in fully understanding all the issues. Marjorie Bixby asked whether there would be numeric goals set for the indicators. Stu Appelbaum said this would be in the final recommendations.

John Ogden reviewed the role of RECOVER in establishing the interim goals and targets. RECOVER is involved the development of interim goals and targets and using them to evaluate how well CERP is progressing. These will become the single most important tools to track progress. It will be used by the public, Congress, the Legislature, etc. The annual report card probably will use the same set of indicators once they are established or at least a subset of the interim goals and targets which makes it very important to reach agreement on these goals and targets. A PowerPoint slide (Encl. 9a) detailing the process within RECOVER was reviewed. The indicators that RECOVER will recommend for goals and targets come from two sources: 1) conceptual ecological models; and 2) water law and policy. He explained the larger scientific process used to select indicators. RECOVER set out to establish conceptual ecologic models and

set out the stressors. The first question is what is stressing the natural system and how is it responding. Next, on the assumption that CERP must either reduce or eliminate those stressors, RECOVER developed a set of performance measures to determine system response. A large set of performance measures was created using the stressor and response information to determine if CERP was correcting the stressors. There were about 100 performance measures created and it was acknowledged that while the scientists would use the full suite, that RECOVER had to develop a subset of these performance measures for the interim goals and targets. The team used the Programmatic Regulations and the RECOVER guidelines as the criteria for selecting a subset of the CERP assessment performance measures. The Programmatic Regulations state that the interim goals must include hydrologic goals, improvement in water quality and ecological indicators. The interim targets should also include the frequency of water shortage restrictions in the Lake Okeechobee Service Area (LOSA) and the Lower East Coast Service Area (LEC); frequency of salt water intrusion in the LEC; and frequency of water shortage restrictions under the Seminole Tribe Water Rights Compact.

The goals and targets must be consistent with CERP and consistent with the performance measures used to establish the monitoring and assessment plan (the full set of 100 performance measures). They must be predictable, easily interpreted and easily understood by a broad audience. Another consideration was the number of indicators that RECOVER would recommend. RECOVER will post the latest working draft of its recommendations to allow another public review and to receive comments by the end of February. For each of the proposed indicators, RECOVER pulled together small teams of experts on that indicator and asked them to state how these could be measured and assess the current ability to predict performance. Three categories (Encl. 9b) were established. The group 1 indicators are those that can be predicted today with available tools. Group 2 are those where the tools are still being developed and refined. Group 3 are those indicators where there are no measurement tools available. The last category is listed because as RECOVER believes that they are needed to really capture the system wide response. Billy Causey requested the Southwest Coast algal blooms be an indicator and said NOAA is developing some great tools that can assist in monitoring. Richard Harvey asked where the nuisance and exotic species were on this list. John said that exotics were not really linked to CERP.

John Ogden said that all interim targets are in Group 1 since they have the tools to measure these targets. It is interesting that the Programmatic Regulations do not include flood protection in the list of targets, but RECOVER has proposed to include three criteria on flood protection. The proposed targets are: volume (quantity and distribution); water supply for the LEC; water supply for LOSA; protect the Biscayne Aquifer from saltwater intrusion; protect the southern portion of the Biscayne Aquifer from saltwater intrusion; three criteria on flood control; root zone groundwater levels in the South Dade Agricultural Area east of L-31N; groundwater stages for Miami-Dade, Broward, Palm Beach and Seminole Tribe surface water basins; and flood water removal rate for the Everglades Agricultural Area. He reviewed the timeline for RECOVER to provide its technical recommendations to the USACE and the SFWMD. The RECOVER team will prepare a draft document of proposed indicators for public and agency review. The Master Implementation Sequencing Plan (MISP) will be used in the modeling in February and will simulate CERP's performance in five-year increments. There will be an independent science review to ask if these are the right indicators and if they are scientifically well thought out and defensible. The information posted in January splits the goals and targets into two sections as the approval process is not the same for both items. The final report in June will be similar to the document on the web site posted at the end of the month with the addition of the public and agency responses.

Wayne Daltry asked why salinity patterns in the northern estuaries are not a Group 1 item. John Ogden said this should be reexamined. Mr. Daltry agreed with Billy Causey on the algae question. Fred Rapach asked how they proposed to track the indicators, although he liked them, he asked for more detail. John Ogden explained that all indicators have been drawn from CERP performance measures and will all have an endpoint of what "we" want to achieve when CERP is done. Predictions will be made using 5-year intervals of the 2 x 2 model output.

Ken Todd asked about flood control not being included in the Programmatic Regulations. They don't have a lot of monitoring wells or gauges in canals to track ground water. John Ogden responded that RECOVER knew that flood control targets must be addressed and a separate process is underway to implement a

system-wide monitoring program for CERP. They are assessing what is in place now and identifying the holes in the system. Congress said that \$10 million is available each year for system-wide monitoring for CERP. The Monitoring and Assessment Plan (MAP) is available now. Richard Harvey asked again about exotics and whether the problems in the system preclude achieving the goals because the habitat is gone. John Ogden responded that the technical team will have to assess whether the exotic presence is the reason that they don't meet the predicted response. He reminded the group there are multiple influences on the system besides CERP. Agnes McLean said that in the MAP, there will be vegetative mapping but RECOVER did not feel that exotics were an appropriate indicator. Richard Harvey asked about the exotic animals. John Ogden said that discussions have begun with fisheries experts and it is hard to find the definitive link. **Wayne Daltry suggested providing the Working Group with a master monitoring list which would help them better understand all the things that are part of the MAP.** John Ogden said that there needs to be agreement on the set of indicators that will be used to report CERP progress. He envisioned this set to be quick and simple and modeled after ones used in other parts of the county such as for the Chesapeake Bay.

Richard Harvey asked what would happen if a CERP project is ready to operate but water quality is not being met. What if other elements of the system are not meeting water quality goals? Stu Appelbaum said it is hard to separate this. Richard Harvey said that the plan assumes certain water quality and they all knew these goals would not be met. John Ogden said that if there is phosphorus problem and it is not something CERP could address, it could be identified through the assessment process. Stu Appelbaum said that targets will have to be set with "without project" conditions. Gene Duncan questioned using the goals and the indicators as part of the report card. For example, the northern area of the Everglades might have an A for hydrology but an F for water quality due to reflux of phosphorus; and an F for habitat is due to the replacement of grasses with sawgrass; and F for animals as displacing the ones that are there now. John Ogden said they would measure what happens, whether it's good or bad, and examine why it happened reminding the group that there is a very active adaptive management program associated with CERP.

Stu Appelbaum said the Chesapeake Bay has had some bad grades recently and they are using this information to reassess the goals. Joe Walsh asked how the public would understand that there will be short term negative responses. John Ogden said they needed to let people know that there will be short term stress. For example, snail kites are in 3A because that's where the big pool of water is now, but this is not where the water may be in 25 years. Ken Todd said liked Gene's comment and thinks the public reaction to the report card is very important. He suggested using ways other than a letter grade to describe this. **Alex Chester asked that the presentations be posted and available.**

Rock Salt noted the independent science/peer review is very important and the document that supports the indicators will reflect the science behind the selection and he would appreciate a review of this section. Rock said he was uncertain of what they will have from RECOVER in June. John explained they would have predictions of performance for Group 1. Rock observed there are no ecological goals expected in June except for algal blooms in Lake Okeechobee and noted that the scientists consider it too risky to predict for group 2 and 3. The assumption seems to be that if they don't have a perfect model to predict the ecological indicators, then these won't be included, and this is disappointing. John explained that the scientists are uncertain on how these predictions will be used. If these are planning goals and "we" can't be taken to court for not meeting them, then they are more comfortable in making predictions. John said there are good hydrological models, but ecological models are not as developed. Rock said that most people are expecting to know the ecological lift from CERP and would appreciate knowing what is expected before they have exact predictive models. John explained that the report is easier than the predictions. The second question was about the scope. The Corps' \$1 billion proposal for the IRL is fully 1/8th of the CERP costs. Oysters are an indicator in addition to algae blooms. The scientists are using more than the interim goals to justify these projects so the real question is whether the proposed goals are the right subset of the 100. Rock asked if the CERP Yellow Book does not affect the Southwest hydrology, then did they need to wait to set those goals for the feasibility study. John Ogden replied yes and they need to review those every 5-years. Stu Appelbaum reminded everyone that the Yellow Book made predictions of the performance of CERP and the sum of the parts is equal to the whole. John Ogden said that if you take the collective sum of the endpoints, the interim goals will be based on the performance of the plan as in the Yellow Book. John

asked for more thought on the using an indicator to measuring the total spatial extent of restored wetlands and how this differs from spatial extent of restored habitat.

Stu Appelbaum reviewed the completion dates required in the Programmatic Regulations. The regulations require one annual document to the public that describes the components of plan, the water budget, the water reserved and the cost of plan. The Corps must provide an annual report to OMB explaining any changes to the Yellow Book, the updated cost of the plan, and the costs of individual components. Every five years, the regulations require a report to Congress; a review of the Programmatic Regulations; a periodic CERP Update; an assessment report on adaptive management; a review of the interim goals and interim targets; and a review of the MISP. In addition there are six Guidance memoranda to be developed by December of this year. These must be developed with the concurrence of the Secretary of the Interior and the Governor. There is a guidance memoranda task team with four smaller subset groups. The Guidance memoranda will be published in the Federal Register to allow public comment. All six drafts will be developed by June. He reviewed the sub-teams and provided a status report on the teams. The Initial CERP Update effort has been underway for quite a while. The intent is to update what is in the Yellow Book through the result of the modeling. There are several steps set forth in the Programmatic Regulations to modify the plan. Several model runs will be done: 2000 existing conditions; updated 2050 and updated D-13 R (due end of this month) as well as a sea level rise scenario.

Stu Appelbaum said it is not always a valid comparison to compare one model to another. The SFWMM Version 3.5 and Version 4.5 NSM were used in the Yellow Book and the new model is SFWMM Version 5X for the Initial CERP Update and an updated NSM Version 4.6. SFWMM Version 5.0 was used to model the 2050 Future Conditions and they are now using Version 5.1. A number of model improvements were made and these must be folded into NSM to produce NSM. The new topo in Version 5.0 is lower than the one used in the Yellow book. Updating the population is another change because the 2000 existing condition uses 2000 census data. For 2050, a different methodology was used and indicates that Florida is growing faster than the Restudy predicted. Urban water demands were adjusted from the 1.2 mgd in the Restudy to 1.5 mgd.

Stu Appelbaum reviewed some other changes from Restudy assumptions including the WSE regulation schedule. The update included partial STA construction; changes in simulation of Lake Okeechobee demands instead of actual usage; changes EAA runoff to zero; BMP make up water is now based on several years of actual data and tribal demands are simulated rather than using actual usage. Changes are expected in water treatment technology: nano-treatment means pulling more water out to produce the same amount of water. Now that 6D has been approved, it is part of the future without project conditions. He reviewed the Yellow Book performance issues and noted that part of the Initial CERP Update was to improve performance. The goal is to do better and the whole adaptive management program is geared to improve the plan. Gene Duncan asked that with the change from model 3.5 to 5.0, looking at ponding and water depth, would the Everglades appear to be getting better or worse. Stu said it is difficult to answer this as they have different time period, a different NSM and a longer period of historical record. Gene said it is really difficult to know if they have achieved what they set out to achieve when the goals were set in the Yellow Book. Stu said that the real way to measure success is to see what it looks like in 2050 and ask whether it is better. Joe Walsh said this would be answered through field monitoring.

Stu reviewed the pre-CERP baseline. They need to prepare a document that describes the assumptions and then do a model run based on those assumptions. This model run would go into the vault and used as an aid to determine elimination and transfer of existing legal sources of water. They have until June 14 to produce the pre-CERP baseline. This requires the concurrence of the Secretary of the Interior and the Governor. WRAC could not agree on a set of assumptions and now there is a team with representatives from DOI, DEP, SFWMD and the Corps to develop an initial set of assumptions. Just because there is a 2000 existing conditions model run doesn't mean that this is the set of assumptions for the pre-CERP baseline.

Concerning the Master Implementation Sequencing Plan Stu said that there was much discussion of how to achieve the maximum benefits as quickly as possible. The Yellow Book does provide a sequencing, but does a poor job of explaining the reason and thought process behind the sequencing decisions. The notion

of “next added increment” means that we must evaluate not only how the system performs with the project, but we must assess whether there will still be a benefit if only the authorized projects are built. The Programmatic Regulations establish four factors for sequencing and the current sequencing and project configuration may need to be repackaged if the projects can’t stand on their own. They are asking whether one project is dependent on the construction of another project. Although they have a year to complete the MISP, they need an initial MISP to feed into the interim goals and target process which must be complete by June. Gene said he was uncomfortable with some of the groupings proposed in the MISP workshop, like incorporating the C-4 into Bird Drive. Stu said he was confident that the projects that are part of D-13 R will meet the next added increment test.

CERP Update

Indian River Lagoon: Dennis Duke provided a PowerPoint presentation (Encl. 10) noting the draft PIR was published in December 2003, with public review continuing through February 10, 2004. The final PIR is scheduled to be completed by March 24, 2004. The project manager reviewed the various alternatives and components adding that the headquarters asked for an additional analysis for the estuarine only alternative (alternative 7a) with an approximate cost of \$796 million. This will be the first CERP project authorized since WRDA 2000 established CERP as the framework for restoration and represents roughly \$1 billion out of the \$7.8 billion cost. The Final Feasibility Report repackaged as a PIR with a Supplemental EIS will address WRDA 2000 requirements. He reviewed the milestones to get Congressional authorization and for consideration in WRDA 2004. Michelle Diffenderfer said that this raises concerns about the original cost predicted in the Yellow Book and if this is the trend, she questioned if they were really talking about an \$8 billion program and whether these changes were at the expense of the rest of CERP. Dennis clarified that the \$882 million in the Yellow Book was in 1999 dollars and today’s cost is \$995 million. The Corps will explore opportunities to possibly reduce the cost for other projects.

Golden Gate Estates: The project manager presented a PowerPoint presentation (Encl. 11). Of the more than twenty alternatives formulated, three (alternatives 6, 12, and 3D) were considered along with a “no action” alternative. Costs and benefits/costs per unit for all three alternatives were reviewed. Alternative 6 land costs are high because there is flooding north of SGGE which will necessitate acquiring lands. The cheaper alternative is 3D. The project will restore: freshwater flows to estuaries; upland/wetland habitat in watershed; and pre-drainage watershed flow pattern to a sheet flow condition. It will increase groundwater levels and restore habitat for endangered/threatened species and provide for better fire management. As an added benefit, it will restore ecological connectivity between management units. The draft PIR is out for public comment until February 4, 2004. Once the public comments have been addressed, it will be transmitted to Atlanta and hopefully included in WRDA 2004.

Preparation for Task Force Meeting

Jay Slack said that he will provide a report to the Task Force summarizing this meeting with regards to the teams in relationship to the priorities of the Task Force. He will report on the discussions held during the mini workshop and seek additional guidance on how the Task Force will use the Working Group. Greg May thanked his staff for their work on these meetings. Billy Causey said he wanted to go on the record as expressing his thanks that Rock is still around and his surprise that Ron Smola retired. He added that he had great respect for the way Ron represented his agency and recognized that it would be a great loss. Gene Duncan announced the 10 ppb suit was over and a ruling was expected in a couple of months.

Follow-Up Items:

1. Need to ask for an agenda item on the February Task Force to discuss how the Task Force wishes to be advised by the Working Group on the interim goals and targets required by the programmatic regulations.
2. Briefing of the master monitoring list

Meeting adjourned at 12:40.

Enclosures:

1. Agenda
2. Meeting Minutes

- a. September 2003 minutes
- b. October 2003 summary
- c. December 2003 summary
- 3. Working Group Membership
- 4. NEATT/NEWTT PowerPoint Presentation
- 5. Reporting Requirements PowerPoint Presentation
- 6. Membership for Biscayne Bay
- 7. Litigation Update
- 8. Programmatic Regulations Implementation Activities Power Point
- 9. CERP Interim Goals and Interim Targets
 - a. PowerPoint Presentation
 - b. Draft Categories for proposed interim goals and process to establish
- 10. Indian River Lagoon – South Power Point
- 11. Golden Gate Estates Power Point