

**Approved Meeting Minutes**  
**Joint Working Group and Science Coordination Group**  
**January 28, 2009**

**Welcome and Introductions**

Dan Kimball called the meeting to order at 1:10 PM. The Agenda (Encl. 1) and draft meeting minutes (Encl. 2) from the October 2008 meeting were provided and the members were reminded that the meeting was being webcast. Rock Salt reported the SCG met that morning and they have three tasks that include a new task from the Task Force to look at the linkage between hydrologic and ecologic models.

In attendance:	<b>Joint Mtg</b>	<b>Regular Mtg</b>	
<b>Working Group (WG) Members</b>	<i>Jan 28</i>	<i>Jan 29</i>	<i>Alternates</i>
<i>Dan Kimball - Chair - NPS - ENP &amp; Dry Tortugas</i>	✓	✓	
<i>Greg Knecht - Vice Chair - FL Dept of Environmental Protection</i>	✓	✓	
<i>Ken Ammon - South Florida Water Management District</i>	✓	✓	
<i>Stu Appelbaum - U.S. Army Corps of Engineers</i>	✓	✓	
<i>Billy Causey - NOAA, FL Keys Nat'l Marine Sanctuary</i>	✓	✓	
<i>Sheri Coven - Department of Community Affairs</i>	✓	✓	
<i>Bob Crim - FL Dept. of Transportation</i>	-	-	
<i>Wayne Daltry - Southwest FL Regional Planning Council</i>	✓	✓	
<i>Gene Duncan - Miccosukee Tribe of Indians of FL</i>	✓	✓	
<i>Joe Frank - Bureau of Indian Affairs</i>	-	-	
<i>Roman Gastesi - Local Government</i>	-	-	
<i>George Hadley - U.S. Dept of Transportation</i>	-	-	
<i>Veronica Harrell - James - U.S. Attorney's Office</i>	✓	✓	
<i>Eric Hughes - Environmental Protection Agency</i>	✓	✓	
<i>Bonnie Ponwith - NOAA, National Marine Fisheries Service</i>	-	-	
<i>Barry Rosen - United States Geological Survey</i>	✓	✓	
<i>W. Ray Scott - FL Dept of Agriculture and Consumer Services</i>	-	-	
<i>Paul Souza - U.S. Fish and Wildlife Service</i>	-	-	<i>Pam Repp</i>
<i>Jon Steverson - Office of the Governor of Florida</i>	-	-	

<i>Craig Tepper - Seminole Tribe of Florida</i>	√	√	
<i>Kenneth Todd - Palm Beach County Water Resources Manager</i>	-	-	
<i>Joe Walsh - Florida Fish and Wildlife Conservation Commission</i>	√	√	
<i>Vacant - Broward County Department of Natural Resource Protection</i>	-	-	
<i>Ed Wright - U.S. Department of Agriculture</i>	-	-	<i>Bill Reck</i>
<i>Greg May - Special Advisor</i>	√	√	
<b>Science Coordination Group (SCG) Members</b>			
<i>Ken Haddad - Chair - Science Coordination Group</i>	-	NA	
<i>Rock Salt - Vice Chair - Department of Interior</i>	√	√	
<i>Calvin Arnold - U.S. Department of Agriculture</i>		NA	
<i>John Baldwin - Florida Atlantic University</i>		NA	
<i>Ronnie Best - United States Geological Survey</i>		NA	
<i>Joan Browder - NOAA, National Marine Fisheries Service</i>	√	NA	
<i>Todd Hopkins - U.S. Fish and Wildlife Service</i>		NA	
<i>Bob Johnson - Everglades National Park</i>	√	NA	
<i>Libby Johns - NOAA, AOML</i>	√	NA	
<i>Chad Kennedy - FL Dept of Environmental Protection</i>	√	NA	
<i>Cherise Maples - Seminole Tribe of Florida</i>	√	NA	
<i>Susan Markley - Department of Environmental Resource Management</i>	√	NA	
<i>Bill Reck - U.S. Department of Agriculture</i>	√	NA	
<i>Garth Redfield - South Florida Water Management District</i>	√	NA	
<i>Terry Rice - Miccosukee Tribe of Indians of FL</i>	-	NA	<i>Joette Lorion</i>
<i>Debra Shafer - U.S. Army Corps of Engineers</i>		NA	

### **Follow-up from Task Force Meeting**

Greg May reported that Susie Perez-Quinn from Senator Nelson's office attended the Task Force meeting and provided some good feedback and comments. He reviewed the agenda items and noted the Task Force generally endorses the PIR streamlining recommendations from the WG and SCG. The next major step in terms of implementing the recommendations will be the revisions to the Pro Regs. The scientists who worked on the System-wide Indicators were thanked and presented with mementos. That was the final Task Force meeting for the federal principals and they too were thanked. In an effort to continue the momentum, Kameran Onley has appointed Rock Salt to represent Interior on an interim

basis and many of the other federal agencies will also have interim representatives until the Obama Administration's appointments are on board. He provided a Power Point (Encl. 3) reviewing the tasks that were completed in 2008, the draft initial tasks for 2009 as well as the proposed meeting schedule for 2009.

### **Restoration Framework Update**

#### *Department of Interior (DOI) Vision Document*

Rock Salt reported the draft DOI Vision document (Encl. 4) is a policy document that attempts to pull together, at a high level, various ideas that are being discussed. It came together when it became clear that many scientists are saying that the Everglades were historically wetter than they assumed ten years ago. The key ecological communities continue to deteriorate, some irreversibly, and climate change is adding new insights that need to be brought to the table. The document focuses on the southern end of the system and it is important to Interior that they allow the key ecological attributes of a future Everglades to drive their thinking as they move forward. The document identifies three centers of gravity: flows and stages necessary for Tamiami Trail; DECOMP and Seepage Management; and Storage and Treatment south of Lake Okeechobee. There is quite a bit of discussion on Incremental Adaptive Restoration (IAR). As an example, the Avian Ecology Workshops have said that all these imperiled species will be improved under restoration, but the Fish and Wildlife Service (FWS) will need to be careful as they transition into restoration.

The document was presented to the Task Force at its December 2008 meeting and George Dunlop cautioned that they need to be careful Congress does not interpret this to mean that they are not ready. The document will be revised to emphasize the 'shovel ready', near term projects in the Integrated Delivery Schedule (IDS). He noted Joette Lorion was critical that when they talk about trade-offs, people could see this as a win-lose and they will try to address this issue as well in the next revision. Joette Lorion noted the document contains numbers for the extra water needed for the park and those numbers have not been analyzed or gone through the NEPA process. Rock Salt clarified the purpose was not to identify water for the park but water for the Everglades system. He added that Tom Van Lent has also been critical that they talk about the Everglades in terms that they have modeled it and he will try to talk about the Everglades in ecological terms.

#### *DOI Vision Presentation*

Bob Johnson provided a Power Point (Encl. 5) and clarified he is not trying to say how much water should go to the southern or central Everglades but rather how much water flowed historically. He reviewed the historic connection noting they are trying to retain the essential characteristics of the historic River of Grass. The DOI Vision document recommends a system with a continuous movement of water from the upper end of the system to the lower end and not a system that would act like a set of managed, disconnected wetlands. He noted there is approximately 1.2 to 1.4 million acre feet of water coming out of Lake Okeechobee today. DOI's highest priority is the timely implementation of projects to remove barriers to sheetflow and restore more natural and unobstructed flow. He reviewed two water depth maps of the central and southern Everglades for wet and dry seasons to show the impacts of sixty plus years of water management. In most cases they have deeper water on the southern end and more shallow water on the northern end. He still believes the problems in the central Everglades are

associated with ponding and bypassing the marshes. Joette Lorion said it is associated with closing the S-12s for nine months out of the year.

Bob Johnson reviewed two soil thickness maps from 1946 and from 1999 which show significant soil subsidence in those areas where they don't put water back into the Everglades. The northwestern portion of the Everglades has major subsidence and they have lost at least three feet. He reviewed the hydrology of the pre-drainage system from the standpoint of flow and the various flow lines in the system. The amount of water the Central and Southern Everglades and the Estuaries needs today is the same amount it needed historically since they virtually have the same footprint. He reviewed the historic flows from Lake Okeechobee to the Everglades noting that early hydrologic studies show that 95% of the outflow went to the Everglades and 5% went to the Caloosahatchee and they can make estimates of how much water went south. He reviewed the predicted outflows from the NSM 4.62 and NSM 5.1 which is a newer model that takes into account some of the historic data.

Joette Lorion noted that under IOP they show water at a higher depth than it would be under restoration and asked Bob to equate depths and flows. Bob Johnson noted he could not directly relate depths because the graph is just a flow comparison and these are flows under the NSM and modified NSM with no obstruction downstream. Rock Salt noted all the NSMs have the same rainfall algorithm and the only difference is the assumed historic topography. They can't put these flows into the current topography without causing harm. That becomes an implementation question and they would move carefully to make sure they do not have any problems. At a future time they will have the capability to flow larger amounts of water through the system that would avoid some of the harmful ways they are doing it now. Bob Johnson said that when you run the same rainfall period and you eliminate much of the discharge that goes to tide in the current system much more water would be going south because the man made diversions are removed. For right now they are just comparing volumes. Stu Appelbaum clarified Bob Johnson is talking about the pre-drainage system and comparing how well CERP does or does not do. Stu added that NSM does not tell you what is do-able in an altered system and that is another debate. Bob Johnson clarified they would not add more water without opening up the system because that would cause harm. Joette Lorion noted the tribe's concern that even if they were to open the system the amount of water they are asking for will still cause harm. Bob Johnson reviewed a water depth comparison graph in WCA 3A and noted that the NSM model runs have been modified to the current topography and shows what the water depths would be. Alt 75R is much higher than any of the NSMs because of the features that are in place to impound water. Greg Knecht asked how Alt 7R compares to the actual stages. Bob replied the model is pretty accurate.

Gene Duncan read comments written by Vick Engle stating that "extreme impacts in certain areas may require trade-offs in the amount of remaining system over which sheet flow conditions could be achieved" and added that meeting depth targets in these now heterogeneous habitats should not take precedence over the re-establishment of sheetflow'. Gene said that it seemed to him that they are giving priority to flow volumes negating any deep water impacts. Bob Johnson acknowledged there will be trade-offs and explained that the subsided areas are subsided because they stopped putting surface water on the peats which need continuous standing water. This is a good example of where water is deeper today than it will be under CERP.

Ken Ammon asked whether they have normalized the subsidence issues. Bob explained they took the current topography for every grid cell and put the NSM and modified NSM over that cell, so yes they are normalizing for the current subsidence. For WCA 3B where it has subsided, there will be a NSM projection that is wetter. Rock Salt added that his understanding of Incremental Adaptive Restoration (IAR) is that projects will be designed so that the flows and depths reflect an incremental step forward. Joette Lorion noted that that RECOVER is proposing a performance measure that gets rid of any monitoring for high water. Gene Duncan said that in order to achieve the 1.5 million acre feet; they are talking about complete inundation of tree islands. Joette Lorion said RECOVER is developing performance measures to do a trade-off analysis and the tribe did not sign up for any trade-offs. Rock Salt said all the issues raised are legitimate and fair and every agency will evaluate that as they move forward carefully.

Bob Johnson reviewed the flow line across Tamiami Trail which is a published flow section. The two NSMs have similar numbers and both estimate average annual flow at 1.8 million acre feet. There is a big difference in pre-drainage flows and even what happened in the 1940s. Although it was an open system in the 40s through 60s, water was no longer flowing south but east and west to tide. In terms of actual flows in an average annual basis they are now getting 600,000 acre feet under Alt 7R5 and CERP increases those flows by 900,000 acre feet. In CERP the 300,000 acre feet is an additional amount of water from the Lakebelt that does not cross the flow line. He noted that from the Central part of the Everglades southward and from Tamiami Trail southward it is the same size Everglades and there is no 50% reduction so one would expect targets similar to the information he reviewed. He reviewed the flows into the southern Everglades, southern Estuaries as well as water depth comparisons in Northeast Shark River Slough noting that the goal for all the Estuaries and is to re-establish healthy seagrass communities and animal species. Biscayne Bay is a nearshore zone with about 10,000 acres dominated by submerged aquatic vegetation. It is adjacent to an urban area influenced by direct canal flows with good tidal exchange. It would take about 1.1 million acre feet in an average year in order to achieve those estuarine conditions. Biscayne Bay is getting about half the amount of water needed to get it back into an estuarine condition. Florida Bay is a nearshore zone dominated by submerged aquatic vegetation with little influence by canals and is mostly marsh flow with poor tidal circulation. They have hypersaline events and there has been talk about restoring Florida Bay by connecting it to the ocean. Florida Bay is now getting half or less of the water it got historically.

Bob Johnson reviewed how they got the numbers in the DOI Vision document and referred to the Broward/Palm Beach flow line slide. He said that the NSM 4.6.2 is at the bottom of the envelope and the modified NSM at the upper end of the envelope. These are two different estimates of pre-drainage conditions and they picked numbers in the middle of that range. The document discusses increasing flows above CERP by 1 to 1.5 million acre feet in an average year and that is the amount of water that needs to be added to the system if it is opened up. Joette Lorion asked whether the model had been peer reviewed. Bob Johnson clarified it is not a published model. It has been shared with the other agencies and it will be peer reviewed. NSM 4.6.2 produces a drier condition in the Everglades than much of the scientific community believes is reasonable. Ken Ammon clarified the SFWMD's NSM 4.6.2

has been peer reviewed and the modified NSM by Dr. Fenema has not been peer reviewed and they are in the process of verifying some of the assumptions in the model.

Craig Tepper noted the Seminole Tribe has concerns about this current configuration above the L-4 and L-3 and how Compartments B and C are going to be incorporated. He added that the northwest corner of WCA A has no muck because it 'burnt to death'. Ken Ammon asked whether CERP 0 flows were just surface water flows and not canal flow. Bob Johnson replied that at the Broward/Palm Beach County line and at this cross section all the NSM is showing is overland flow. In the current water budget there is 900,000 acre feet coming south that does not go through here. It shows up in the southern end of the system as a by-pass and this is not an increment of raising flow but an increment of putting overland flow at the upstream end. Ken Ammon noted the bypass amount is not included in the CERP 0 line. He said that if the goal is to make it more overland flow than canal then it needs to be identified. Bob Johnson agreed and said he would adjust the graphic to reflect that fact. Susan Markley noted that the last slide on topography was more helpful in addressing some of the concerns that were raised early in the presentation and suggested that slide be moved forward for future presentations. She added that Miami Dade County has similar concerns with flood protection and level of service and are concerned about the actual stages that may occur with various alternatives.

Joette Lorion noted her concern with putting out figures without going through the NEPA process and said it appears to her they are changing CERP. Bob Johnson responded this is an effort to look at what the maximum amount is if the system were to be opened up. Bill Reck said that if they were to take the next logical step and take what has been presented at face value and increase flows south and do it in a manner that keeps levels where they were then isn't what Joette is saying true, that you would have to re-do CERP or the RESTUDY to get that level of confidence. Rock Salt said they are suggesting that the ASR technique they had in the RESTUDY may not be as feasible as they had thought at the time and that fact along with the state's initiatives suggest there may be better ways to store and treat water.

Wayne Daltry thanked DOI. One of the issues he has had, start with the water budget, this gets to the core question by which the RECOVER team operates if there is information upon which CERP was based that is contrary then they should be taking a look at what they need to do with the plan to stay within reality. He is interested in starting the discussion if there is new information out there. Ronnie Best said that a decision was made on CERP based on the information they had at that time. They have gained a lot of new knowledge and the purpose of this type of white paper is to begin the conversation which will lead to change.

Garth Redfield said he is concerned how they will justify the huge amount of investment it will take to move things forward in the future. They will have to do project justifications and justify the incremental benefit of flow numbers and asked if they had identified thresholds that connect a benefit to an investment in a flow volume. They have never explicitly addressed physics in this system and said it was possible that they could double the volume of water and yet have no benefit to the downstream system because the velocities are so slow. Stu Appelbaum added that no one ever envisioned CERP would be static and the Programmatic Regulations (Pro Regs) lay out a process for integrating changes. Stu stressed that there have been no policy changes at this point. Barry Rosen said the Yellow Book did not

do everything and now with the land purchase, it may allow them to reconcile some of the things not addressed in the Yellow Book. Ken Ammon clarified the River of Grass project is not part of CERP adding it is a state initiative that will have impacts on CERP and ASR.

Greg Knecht said they now have a better understanding of how DOI linked the hydrologic piece to the Vision document. The Task Force asked the WG and SCG to take the DOI Vision and turn that into a shared vision. He acknowledged that it is a tall order, but said he hoped there are pieces in there that are agreeable to the group. Joette noted that Dexter Lehtinen did not vote on this becoming a Task Force document. Greg May clarified there was no consensus on making this a Task Force document but the Vice Chair said he would like the WG and SCG to discuss this paper and he said it was his personal opinion that it is powerful when a common vision can be established regardless of who comes up with it. Joette Lorion said they came up with a vision when they did CERP. Wayne Daltry clarified they are not here just for CERP but for Everglades Restoration and the River of Grass is part of their effort to achieve the shared vision just as his efforts in Lee County to protect and enhance 300,000 acres that are not yet developed. Dan Kimball said the draft Vision document lays out what they think the general flows need to be given the changed circumstances. He said he gets a lot of questions about why they are contemplating spending money on this effort given sea level rise and one thing they need to do is to run these to see if they can keep the rising saltwater at bay. He suggested they take the Vision document and include the constraints they touched on this afternoon and also think about how they would implement it. They should also think about the institutional things Stu Appelbaum mentioned as well as the non CERP parts. Joette Lorion said the Miccosukee tribe would be opposed to the Working Group adopting this document as its own and working on it. Bill Reck asked if the tribe was opposed to studying it completely. Joette Lorion said yes they are very much opposed.

#### *Reviving the River of Grass*

Greg Knecht provided a Power Point (Encl. 6) reported the Hydrologic Restoration Targets Workshop held on Jan 14 – 16, 2009 in West Palm Beach. The event was hosted by DEP and the SFWMD and agency folks, non-governmental scientists and hydrologists participated. The meeting was webcast and participation was outstanding with people in Colorado participating as well. The purpose was to establish a range of hydrologic targets for the restoration of the Everglades and Florida Bay. It was driven by the planning which has started for the River of Grass. They tabled a whole list of constraints such as Tamiami Trail, DECOMP, threatened and endangered species and water quality. The RESOPS (Reservoir Sizing and Operations Screening) model developed by the SFWMD which is a tool that allows them to look at a lot of alternatives rather quickly and allows them to do model runs 'on the fly' was presented. They also had presentations on paleo ecological data on Florida Bay and Biscayne Bay which appears to indicate that part of the system was much wetter.

Ken Ammon noted the distribution shape of the NSM 4.6.2, Fenema and synthetic models were similar. The synthetic high carryover and the Fenema are similar for the low end on the frequencies of volumes up to about average conditions and then they see a deviation with the Fenema model producing half a million acre feet more volume into the Everglades system, at the south end of the EAA. It is where they would be delivering any storage and treatment of waters into the Everglades system. There is a carryover demand and they would not send as much available water in the wet season and then release

that water at a higher volume in the dry season. They may not hit the peaks as predicted but they would deliver the same volume and change the timing from wet to dry season. That shift seemed to be a hypothetical delivery that he thought was unanimous in the targets workshop. His goal was to listen to the data and noted that his policy opinion was the Fenema version of the NSM pending verification. They believe it is a more reasonable estimate of the volumes that entered the Everglades system. Information will be used in their planning of the River of Grass to get a conservative estimate of flow based on scientific information, much of which has been peer reviewed.

The Governing Board direction was to move forward with the planning process. They will conduct workshops that will be open and provide for a public vetting. The Governing Board has asked for more information prior to closing on the River of Grass project which is expected in September 2009. In order to close they have to have financing and Certificates of Participation (COPs) issued and validated. A draft needs to be in to the Governing Board in July so they can vet some of the alternatives. During the due diligence process they looked at just using Sugar land and having cooperating adjacent landowners. However, they did not look at what if some of this land could go north of Lake Okeechobee to support the TMDLs for the lake with the balance to be located in the EAA. The economic impact to the area needs to be factored into the planning but it is not the subject of the workshops. Dick Pettigrew has been asked to facilitate the River of Grass planning workshops. They will continue to refine the footprints and update the WRAC and Governing Board. Workshops will continue up until August and they are anticipating having bi-monthly meetings. More detailed planning of future phases will take place after September 2009 and that will consider all the constraints not discussed during the initial planning.

Gene Duncan said that at some point in time assurances have to be given that something will be built and he asked what would happen with the COPs if they decide at a future date not to build anything. Ken Ammon explained that COPs are a bonding mechanism that goes on Wall Street and the underlying security is the land itself. For the Expedited Projects the land served as security and the essentiality was that it was consistent with Everglades restoration. There was approximately \$250 million plus put into the EAA A-1 Reservoir and construction was stopped at an opportune time. The footprint of the levy was cleared and the seepage canal was constructed and that area can now be used as a STA or Reservoir once they go through a more exhaustive planning process. They are not continuing to spend the dollars and will continue to pay back the principal and interest owed. The basic intent of the A-1 Reservoir is the same and it will be used for Everglades Restoration. COPs are frequently used for school and hospital construction and this is the first time it is used for restoration in the country.

Joette Lorion said the SFWMD testified that the EAA Reservoir would be delayed for seven years and so would the C-43 and C-44. Ken Ammon said no decision has been made as to how long the delays would be and they don't even know if the River of Grass land acquisition will be completed. The Governing Board added a paragraph with an 'out clause' that gives them the ability to not go forward with the purchase due to the current economic situation.

#### *Miccosukee Tribe Comments*

Gene Duncan provided a handout entitled *Additional Water for the Park* (Encl. 7) noting the tribe

accepted CERP as a compromise solution with the understanding that no one would get everything they wanted. Everglades National Park wanted 245,000 acre feet of water. Pages 1 – 4 of the handout came directly out of the Yellow Book and it discussed the different models. D-13R4 was written right into the Plan and it would provide 245,000 acre feet of water which would kill WCA 3 with too much water. He noted comments written by Steve Davis about the negative effects of putting too much water into the conservation areas in order to give ENP what they wanted. Gene stated that the Chief of Engineers was persuaded to write the Chief's letter committing to provide the 245,000 acre feet of water. The tribe filed a lawsuit and then reached an out of court negotiated settlement. CERP is the Plan and not D-13R4 and the additional water is not approved. WRDA 2000 also guarantees no elimination or transfer of water rights and that existing levels of flood protection would be maintained. Pages 5 – 7 of the handout is from a report 'Additional water for Everglades National Park and Biscayne Bay, Feasibility Study and Mgmt Plan' which states that full implementation of CERP was predicted to create substantial improvement compared to the future without project condition'. Pages 8 – 10 taken from the FWS' Planning Aid letter, talk about reducing extreme high water levels in the WCAs. Pages 9 – 12 of his handout discuss constraints to delivering all the water ENP wants, yet none of these things are in the DOI Vision paper. They are now asking to give ENP 1.5 million acre feet more of water. He said he sees people walking away from CERP, the state has decided to build their own subset of projects known as Acceler8 and the tribe is urging them to 'stick to the deal and build CERP'. No one wants to acknowledge that CERP, the Yellow Book, is dead.

Joette Lorion provided a copy of Terry Rice's letter (Encl. 8) on the RECOVER performance measures. The tribe is extremely concerned since they have already gotten rid of the performance measure that protects the tree islands from high water levels. She added that when the tribe signed up for CERP they did not sign up for trading off tree islands or the tribal Everglades. She said that having heard Ken Ammon's presentation on the Fenema model she now questions if these high water levels would be used to justify buying the land. The SFWMD and DOI's interests 'have jived' yet when these high water levels were last suggested the SFWMD was its staunchest opponent.

Ken Ammon clarified this is a Phase 1 planning process for developing a conservative footprint of how this land could be used. This process is not set up to come up with a final decision on what the restoration targets are. The constraints of the system (tree islands, seepage, endangered species issues, etc.) are not yet a part of this. They would be using the appropriate performance measures and that is a whole other process. There is an inherent trade-off that occurs in any process and what they want to do is minimize those trade-offs. Joette Lorion asked how there could not be federal involvement if changes will be made to the C&SF. Ken Ammon said he totally agreed that when they ultimately propose implementation it would be a NEPA issue. If they decide to go forward they will have to go through the 404 issues and CERP modification or reformulation but it is still premature since it is still a state planning process.

### **Public Comment**

John Marshall (Arthur R. Marshall Foundation) stated that the Everglades Coalition is in the process of drafting an endorsement of the DOI Vision. The Coalition saw a lot of reasons to support the Vision mainly that it is the first step at looking at changes that have occurred in the landscape and the

discussion has to start somewhere. He reminded everyone that back in March 1997 COL Terry Rice said that the EAA remains the biggest conundrum they have and it is holding up restoration in other parts. This is the first time it has been politically correct to discuss what is happening in the EAA since the government did not own the land and added that he appreciated all the discussion. During the formulation of the RESTUDY, the team had a tendency to treat the models as reality when they are not. These things have to be taken as they are and when there is an opportunity to update them with fresh knowledge then that gets one closer to reality.

John Ogden (Audubon of Florida) strongly endorses the view that restoration needs to be expressed in ecological terms as well as hydrological terms. Decisions about how much water is needed ultimately need to be made based on the increasing understanding of the ecology of the system and the water requirements of specific ecological targets they need to develop and agree on. While creation of a set of performance measures is a good process for building agreement on restoration objectives they believe the current and historical sets being used are too numerous and too complex and there needs to be some active efforts to simplify and better focus the performance measures they are going to be using. While they believe the Ecological Indicators Report that the SCG submitted to the Task Force is a good strong positive step, a number believe it needs more balanced and in addition to species performance measures it needs community and landscape performance measures and that recommendation is part of the DOI Vision document and also in a companion Audubon document for the Everglades entitled 'Tipping Point'. Audubon of Florida will help serve as a catalyst and provide technical leadership in building consensus on what they want the future Everglades to look like ecologically. Bob Doren asked John Ogden for his help in developing the community indicators. Bob Doren noted the SCG agrees with the gaps in the report and it is a matter of getting enough energy in the group to do that.

Martha Musgrove (Decision Makers Forum) said she welcomed the DOI Vision document and noted they did manage to get general consensus within the various departments of Interior. Although it is a good idea it is not a necessary step for the Task Force. She said she found the Miccosukee tribe's comments enlightening and noted the tribe seems to be concerned that the DOI Vision document may raise old issues they thought were settled. She pointed to the long process before implementation of any project and added that there is time for concerns to be addressed. She acknowledged she is mystified with the 245,000 acre feet as a goal when the entire time she has followed this issue the mantra has been to get more water to the Everglades.

Gene Duncan clarified the Miccosukee tribe's vision of restoration is the Yellow Book. The question is that DOI and ENP has one vision and the SFWMD and DEP are heading off on their excursions and asked what would happen if CERP were de-authorized. Greg May asked how Gene would characterize the IRL South PIR and the Site 1 and the Picayune Strand PIR. Gene Duncan replied that it is just a part of the Yellow Book but they are not building the Comprehensive Plan outlined in CERP. Stu Appelbaum clarified Congress approved the Plan as a framework and they gave conditional authorization for ten initial projects and the other projects have to come back for specific authorization. Billy Causey cautioned that any discussion of de-authorization would send the wrong signal and there are restoration projects across the nation and if this project stumbles it will be hard to get it back on track. Ken Ammon noted he shared Gene's frustration and everything they have done is consistent with the Yellow Book.

He is concerned with the lack of appropriations and the real inconsistency with CERP is the timing and schedule. They have a process and Congressional support issue.

*Committee on Independent Scientific Review of Everglades Restoration Progress (CISRERP)*

David Policansky noted the next meeting is scheduled for March 3 – 4, 2009. He provided a Power Point (Encl. 9a) and reminded everyone the NRC Study is a Congressionally mandated study of CERP under WRDA 2000. Members were also provided with a Report in Brief (Encl. 9b) and the Executive Summary (Encl. 9c). The Committee is to provide an assessment of progress in restoring the natural system among other things. They will produce biennial reports that are peer reviewed and intended to be useful to Congress. Restoration challenges include population growth, urban sprawl, and climate change/sea level rise. Ongoing restoration delays have not only postponed improvements to the hydrologic conditions but have also allowed ecological decline to continue. The Committee considers the restoration efforts as even more essential to improve the condition of the south Florida ecosystem and strengthen its resiliency as it faces additional stresses in the future. The Committee concluded that the foundation for Adaptive Management has been built and the science is good. A robust program of ecological monitoring should remain a priority and integrated hydrologic, ecological and water quality modeling tools are needed. Progress is scant and slow and no CERP projects have been completed as of mid 2008. A few phased projects under construction show partial benefits and CERP has been bogged down in budget, planning and procedural issues. The slow pace of federal funding is largely due to the complex planning and authorization process. They need to improve system-wide planning mechanisms and develop a realistic schedule and a sound project sequence. It is not an easy thing to do with things constantly changing but sequencing projects in a way that makes sense is what is being suggested. They need to examine a departure from traditional project by project review, authorization and yearly funding. A more comprehensive approach along with a strong political leadership is essential for Everglades restoration projects to achieve their goals. When the Committee thinks of large national projects that have been successful one thinks of strong political leadership that has led those projects to their success.

The Committee discussed the development of a stronger basis for multi species management since there is no credible operational plan for managing multiple species at risk in south Florida. DOI should initiate and lead the development of a south Florida multi species Adaptive Management Strategy. Active land acquisition efforts should continue and it is important to protect land from things that will hurt restoration. The Committee commended Florida who has done a spectacular job of buying land but that may not be enough. The Committee also sees the proposal by Florida to buy 187,000 acres of U.S. Sugar's as potentially enhancing restoration although it is too early to judge the details. MWD has not been completed then central CERP components cannot proceed. The Committee said that the original idea for MWD was going to get a lot of water shifted to the park and the reduced scope of the 2008 plan means that someone else will have to finish the job by CERP or something else. Lake Okeechobee is a critical lynchpin of the south Florida ecosystem and provides a lot of ecological benefits. However, water quality goals will unlikely to be achieved by 2015 and might not be reached for decades with the current plans. An integrated, system-wide view of water quality management is essential for restoration. Short and long term trade-offs will be necessary for the rehabilitation of Lake Okeechobee

and the northern estuaries. Progress needs to come soon and CERP has not halted the decline of the south Florida ecosystem. Delays will allow continue ecosystem decline and likely cause loss of public support.

Joette Lorion clarified the tribe did not sign up to trade-off tree islands with high water levels. The tribe will also not re-hydrate the Everglades with dirty water. She said she appreciated the comments in the report that to do nothing is to do harm and about the irreversible damage being done as well as the message to DOI to convene a high level committee to look at the multi species issue and she asked when that would be done. MWD never had bridges and they were to be done under CERP DECOMP and the costs were always under CERP as a 50/50 cost share.

Dan Kimball complimented the Academy with the great job they did on the climate change section which is about 6-8 pages and the conclusion that 'yes restoration is still worth doing'. Eric Bush complimented the Committee on the Lake Okeechobee and water quality issues write-up in Chapter 5 and encouraged everyone to read the report, if they have not already done so.

#### *Roundtable Discussion on Next Steps*

Greg May noted they have to deal with the issues raised by the Miccosukee Tribe with regards to the Yellow Book being the deal. He personally did not share the same understanding of what the Yellow Book meant in terms of the Conceptual Plan, PIR process and Adaptive Management and there are some issues that need to be discussed. There is great interest and appreciation in beginning a dialogue about the new information that has emerged since WRDA 2000. He clarified that having a draft paper does not modify CERP and CERP is what it is. It is clear that they are going to have to have some dialogue on how the new information will be incorporated into the planning process. He noted that the hydrologic targets workshop along with today's discussion has helped improve his understanding of Everglades restoration issues. Dan Kimball said the goal was to begin the dialogue and at the end of the day they are all still committed to Everglades restoration.

Meeting adjourned.

**Approved Meeting Minutes**  
**South Florida Ecosystem Restoration Working Group**  
**January 29, 2009**

**Welcome and Introductions**

Dan Kimball called the meeting called to order at 8:40 AM. Meeting minutes were approved without objection.

**Whiparound**

Eric Hughes reported that Lisa Jackson is EPA's new Administrator adding that she will be the first African American to lead EPA. She grew up in New Orleans in the ninth ward and holds a Chemical Engineering Degree from Tulane University and a Masters Degree in Chemical Engineering from Princeton University. She has worked for EPA for 16 years, two years in Washington, DC and the remainder at the Region 2 office in New York. She headed the New Jersey EPA and worked as Chief of Staff for Governor Corzine before being nominated. He also announced that Stan Miberg will serve as the Acting Regional Administrator and they are hoping to have a new Regional Administrator by the summer. Veronica Harrell-James reported they are close to completing the land condemnation cases with approximately twenty five remaining and are hoping to be done with the 8.5 SMA and East Everglades condemnation cases.

Billy Causey reported the Sanctuary Program within the National Ocean Service has been elevated to the Office level which gives them better standing within NOS and NOAA. The new Administrator for NOAA is Dr. Jane Lubchenco from Oregon State University and is the first woman to head NOAA. As a marine biologist/scientist and will be a proponent of marine protected areas. For the last 8 – 10 years her focus has been on climate change. She believes in science being communicated to the public. Commander Dave Score is going back to sea for two years and in the interim Sean Morton will serve as the Acting Superintendent. He previously worked with Admiral Lautenbacher and Jim Connaughton. Greg Knecht reported DEP has been working with the Florida Legislature during the special session and noted the tough budget times. He stressed that it will be harder and harder for the state folks to participate in the meetings of the Working Group as well other meetings and suggested they have a discussion on alternatives. Greg May reminded everyone that the next Task Force meeting is scheduled for Feb 25 – 26, 2009. Logistical information as well as the draft agenda will be provided via e-mail.

Stu Appelbaum noted that J.P. Woodley and George Dunlop have been asked to stay on until their successors are named. Mr. Woodley may attend the February Task Force meeting. House passed the stimulus bill and it contains \$4.5 billion for the Corps in funding with \$2 billion for new construction and \$2 billion for operations and maintenance. There are no earmarks and no new starts and it will be up to the Assistant Secretary's office to determine how the funds will be allocated. Sheri Coven echoed Greg Knecht's comments and reported that DCA lost 22 positions at DCA with half coming from the Comprehensive planning unit. In addition they just let all go 7 of the OPS staff. Travel will become more problematic and she put a plug in for video conferencing, whenever possible. DCA is beginning the sunset review process and bills have been filed to abolish the agency. DCA has just found that two Miami Dade Comprehensive Plan Amendments are not in compliance based on urban sprawl and

wetland impacts. The Florida Energy and Climate Commission already met twice and anyone interested in participating should contact her to get on the e-mail distribution list.

Joe Walsh said he was not sure the two half day meeting format would work adding that there is a state law that does not allow overnight travel for non mission critical. He said he hoped they could switch back to full days rather than two half days. He said he is a little chagrined over hearing the use of the words 'impediments to restoration' in reference to his agency and was not sure where it was coming from. He said that he has always had a problem with CERP having different definitions of restoration depending where in the system you are looking. From his perspective, the federal definition of restoration is a pre-Colombian vision of federal lands and the state lands are left to get whatever it can as a by-product. The Miccosukee tribe has been trying to make that point for a long time. The FWC has always worked with its partners and is concerned that RECOVER is starting to use information that has not been adopted and change performance measures that will impact the Conservation Areas. The FWC may lay out a white paper of their own to explain what they think restoration needs to look like considering that the ESA comes to play in state lands.

Gene Duncan reported the Chairman has now returned 9,000 acres back to the Everglades. They submitted an application to the Corps and had concurrence from DOT, Big Cypress National Preserve and FWS. The Corps issued the permit and the SFWMD provided the funding. The Memorandum of Agreement has been executed and an escrow account has been established. A contract with an engineering firm was executed for the geotechnical work and as soon as the Corps gives their blessing they will be able to put back developable land into the Everglades. Pam Repp reported the FWS has issued new regulations for Section 7 process of the ESA with the key change being the option for federal agencies to 'make their own concurrence on not likely to adversely affect' determinations. It is an option for the federal agencies but they can certainly continue to consult with FWS.

Rock Salt noted the SCG has three directed tasks from the Task Force which include revising the PCS, working on ecological indicators and looking at the linkages between hydrologic and ecologic models. The SCG is planning a workshop on the role of sulfates. Wayne Daltry noted that with property values dropping local governments' ability to do infrastructure improvement is being affected. The local land acquisition program was \$40 million the prior year and they were able to add 20,000 acres to preserve from their own land acquisition program. They have finished a number of efforts to improve water quality, have regulated fertilizer application (one of the strictest in the state) and are working on septic tank issues with the industry and environmental groups. They are putting in their own central sewer system with their target being 100% reuse. They are also going to build on or accept the stormwater regulation enhancements proposed by the state of Florida for their region. Greg Knecht statewide stormwater rule is not moving forward as quickly as anticipated and the SFWMD will go ahead and move forward with the Southwest Florida Basin rule. He noted the concern with the RECOVER performance measures expressed over the last two days and asked Stu to shed some light.

### **RECOVER Performance Measures**

Stu Appelbaum noted there is always an ongoing effort within RECOVER to look at performance measures to make sure they are accurate. The technical team was asked to look at GE-3 that deals with

high and low water levels and there was much debate and controversy when the draft proposal was made public. The issue was elevated to the leadership group who will be meeting to take up this issue, but no action has been taken at this time.

Dan Kimball reported ENP has been working on their General Management Plan and in the process of doing some more science on propeller and grounding scarring. They are also in the process of touching base with the new team in Washington. Preliminary alternatives will be out no later than April 15<sup>th</sup>. They have identified some specific projects within the park for the stimulus to include a project for Ft. Jefferson. David Vela, new Regional Director in Atlanta will be down in south Florida and he hopes to have some of the partner agencies meet him. Barry Rosen reported USGS is looking at sea level rise and the effects on hydrology and vegetation in the Everglades.

### **Programmatic Regulations (Pro Regs) Review**

Stu Appelbaum provided a Power Point (Encl. 10) reminding everyone that the Pro Regs established processes to ensure the goals and purposes of the Plan are achieved. The current regulations were developed over a two year period with an interagency team with input from stakeholders. The Pro Regs went through the federal rulemaking process and OMB review and were developed with the concurrence of the Secretary of Interior and the Governor of Florida. They became effective in December 2003 and require a five year review process. They need to determine if revisions are necessary and go through the rule-making process and once again achieve concurrence. The notice went in the federal register in May 2008 and the 90 day public comment period closed in August 2008. They received comments from 9 individuals and 18 groups that are active in south Florida. They have prepared a summary of the comments received and they are being reviewed by the team. There were many comments about streamlining the process and reducing the bureaucracy. Some of the concerns include how the River of Grass acquisition will affect CERP, questions on whether the Integrated Delivery Schedule (IDS) would replace the Master Implementation Sequencing Plan (MISP), comments asking about the Guidance Memoranda (GMs) and whether they would be completed and the role of RECOVER. Team has been put together and the initial focus will be on four major topics: plan formulation and evaluation; streamlining implementation process (faster, better integration); assurances-water identification and savings clause (statutory requirement to protect level of service for supply and flood protection); and RECOVER (what should it look like) and RECOVER's role in Adaptive Management. The team has decided that rather than get hung up on drafting language they will work on general concepts. In order to avoid confusion they will replace the existing Pro Regs with the new one. There will be opportunities for stakeholder involvement and the WRAC will be involved along with the Working Group and Task Force. Issues will be dealt with as they come up and the process is intended to be interactive process. He presented the draft schedule and noted they will begin formal rulemaking in January 2010 and the final revised rule will be promulgated in July 2010.

Bob Doren asked for further detail about the streamlining the process. Stu Appelbaum said that part of it is looking at metrics and noted his personal concern with PIRS, adding that when they did the Yellow Book it focused on ecosystem benefits and it is important to talk about the ecological lift and the other services the plan provides. Should not be in the mode of how many habitat units does this provide, but a reservoir, for example, in association with other reservoirs and other features yields the benefits of

the plan. They have not successfully dealt with uncertainties in PIRS. Adaptive Management coupled with metrics will move them forward. Bob Doren noted the concerns with habitat units and how they are used to look at the economic value of an ecosystem restoration project element. He asked whether the Corps is willing to look at metrics of ecosystem services as a replacement or addition to habitat units to help solve that dilemma. Stu Appelbaum said they are interested in seeing more and it is okay at the system level but at the project level they want to get the appropriate metrics. Greg May asked if there will be any relationship in the revisions of the P&Gs and the Pro Regs and vice versa. Stu replied that he thought the P&Gs are going to go back to the Principles and Standards that existed prior to 1983 and will reflect more than economic development.

Greg May added they do enjoy that WRDA 2000 justifies it on the environmental benefits alone but the challenge is how to determine the cost effectiveness and how to analyze and quantify those environmental benefits. Once there is something in the P&Gs then it flows down. Stu agreed they need to be consistent with the P&Gs. More focused on literal reading of WRDA 2000 and there are some specific statutory requirement of what PIRS have to do. They have added more on themselves and are now desirous to go back to basics and simplify.

Bob Doren noted one of the problems he ran across was in trying to calculate the value of a project in the economic lingo the Corps uses and he suggested that a concept they might use is asking what portion of the ecosystem will that project impact. Stu noted they are looking at justification and whether it is the rights thing to do for PIRS since they are the implementation arm. They think that it is about the Yellow Book and the Plan and there is a process for amending the Yellow Book. All federal water resource agencies are required to use the P&Gs and they are binding on the Corps when they do their projects.

Gene Duncan said he appreciates hearing that the Corps believes the Yellow Book is still the Plan. He asked whether the federal agencies will step in since the state has stopped construction on some initial projects. Stu explained the state wanted accelerated implementation of certain projects and they have gone ahead with construction in some cases. The projects have not gone away and it just becomes a question of who will implement the projects. Greg Knecht said the SFWMD is responsible for the River of Grass acquisition and the state has met its responsibility under CERP up to date and have purchased the lands required. They were in the process of accelerating some projects but it has always been the expectation that the Corps would do the construction. The Legislature has always stepped up and met its responsibilities under CERP and he would expect that when they see authorizations from Congress they will make sure they have the lands. Stu pointed out the Picayune Strand is an example of the SFWMD going ahead with construction as part of Accer8 and now they have asked the Corps to pick up the pump station. They are still working off the same plan and it may go back and forth on responsibilities depending on who has the money. At the end of the day he is interested in getting Everglades restoration done.

### **Consultation Update**

Brian Files provided a Power Point (Encl. 11) with the latest consultation schedule for both the Task Force and Working Group meetings. Rock Salt suggested the DECOMP Physical Model Recommended

Plan conversations should occur at one of the joint meetings. Craig Tepper asked if there was a schedule for the System Operating Manual. Stu said they will look to see if this is the opportune time to do this since the next update will take advantage of the initial CERP and Acceler8 features. Joe Walsh said it will be good to know the schedule for the MFLs as well.

#### **Public Comment**

None

#### **Closing Comments**

Dan Kimball noted there were comments regarding constraints on travel and they will try to figure out a way to make meetings more cost effective. Greg May noted they had a successful conference call last year and they will present some meeting options to the group. He added that some agenda topics lend themselves to conference calls and VTC and some do not. Joe Walsh suggested they look at meeting at facilities such as FSU. Bob Doren said their options range from proprietary type systems to non proprietary services such as those offered online.

Meeting adjourned at 11:05 AM.

#### **Enclosures:**

1. Agenda
2. Draft meeting minutes, October 2008
3. Draft Initial Tasks Power Point
4. Draft DOI Vision (Dec. 4, 2008)
5. Hydrologic Targets for Everglades Restoration Power Point
6. Reviving the River of Grass Power Point
7. Miccosukee Tribe - Additional Water for the Park (At Any Cost?)
8. Terry Rice letter Re: 2<sup>nd</sup> Revised Preliminary Draft, Dec 2002, Reconnaissance Report, Additional Water for Everglades National Park and Biscayne Bay (245K)
9. Progress Toward Restoring the Everglades: The Second Biennial Review, 2008
  - a. Power Point
  - b. Report in Brief
  - c. Executive Summary
10. Pro Regs Power Point