

MEETING NOTES
Quarterly Meeting of the
Technical Oversight Committee (TOC)
South Florida Water Management District (SFWMD)
B-1 Auditorium
3301 Gun Club Road, West Palm Beach, FL 33406
Tuesday, November 14, 2006, 10:00 a.m.

TOC Representatives:

Garth Redfield, TOC Chair, SFWMD Frank Nearhoof, FDEP
Nick Aumen, NPS/ENP Mike Waldon, USFWS
Paul DuBowoy, USACE

Note: This meeting was recorded by a court reporter and copies are available for purchase; contact Rufino Osorio in the District's Office of Counsel (561-682-6261). Handouts and presentations are also available on the TOC website (<http://www.sfwmd.gov/org/ema/toc/index.html>).

Quarterly Meeting began at 10:06 a.m.

10:06 a.m. **Introduction and Updates** Garth Redfield (TOC Chair), SFWMD

- Chair opened the meeting and introduced the TOC members.
- No changes were requested to the agenda (**Attachment A**).

10:08 a.m. 1. **Approval of TOC meeting Notes from Past meetings** - Garth Redfield (TOC Chair), SFWMD

- TOC Meeting Notes from October 3, 2006 meeting are not yet available.
- Meeting Notes from February, May and June were approved at the October 3, 2006 meeting

10:10 a.m. 2. **Presentation of the Settlement Agreement Report** - Pamela Lehr, SFWMD

The Settlement Agreement Report covering the period July through September 2006 was presented and discussed.

See Attachments B1 and B2 *Settlement Agreement July - September 2006 Report* and TOC presentation of the Report- Copies of these attachment are on the TOC website noted above.

Questions:

- Mike Zimmerman asked whether there were any overflows to the Park during the covered period. Pam indicated that there were none.
- Missing stage data in October 2006 will be investigated. The missing data will be estimated and reported at the next quarterly TOC meeting.

10:23 a.m. 3. **Presentation of the S12D Maintenance Project, Update and Monitoring Plan** - Susan Sylvester and Peter Rawlik, SFWMD

- Susan Sylvester provided an update on the S12D Maintenance Project
- Peter Rawlik provided a report on the S12D Maintenance Monitoring Plan.

See Attachment C *S12D Maintenance Monitoring Plan - Monitoring Challenges and Solutions* - Copies are available on the TOC website noted above.

Questions:

- Construction will begin in January 2007.

10:38 a.m. 4. **Benefits that were anticipated to result from the 1995 refuge regulation schedule** - Laura Brandt, USFWS

- Laura Brandt presented 'Review of Anticipated Benefits in 1995 Water Regulation Schedule for Water Conservation Area 1.
- See Attachment D, presentation slides of 'Review of Anticipated Benefits in 1995 Water Regulation Schedule for Water Conservation Area 1'.

11:27 a.m. Discussion:

- There was discussion of how data from the last decade could be used to estimate needs for the Refuge and whether management of flows can improve conditions.
- Laura did not include rainfall data because rainfall from other areas can affect the amount of water in the Refuge. It was noted that more than one-half of the Refuge water budget is via rainfall.
- Other items discussed were the regulation schedule, and a need to look at the Refuge's hydrologic, long-term requirements.

[Short break @ 12:06 p.m.; TOC reconvened at 12:16 p.m.]

12:16 p.m. 5. **Discussion and TOC vote on long-term compliance with State TP Rule or Settlement Agreement Appendix B** - Multiple Presenters

Discussion:

- Miccosukee Tribe presented a summary of concerns on the Everglades Forever Act and State's TP Rule, concluding that the Consent Decree is more protective than the State Rule. The Tribe provided copies of a compilation of documents titled (Attachment E1): "*The Tragedy of the Everglades Long-term Plan and the Everglades Phosphorus Rule*" - and a copy of Florida Statutes 373.4592 Everglades improvement and management (Attachment E2) to support their comments on the comparison of compliance approaches.
- The District provided copies of 1. 'Summary of FDEP P Compliance Monitoring Network for Refuge' (Attachment E3); 2. Memo to Mimi Drew, January 24, 2005 Attachment E4; and 3. Memo to Mimi Drew, July 27, 2005, all as background information for discussion of Refuge compliance (Attachment E5)
- The Federal agencies provided 'Federal Responses to 6/26/06 TOC Questions (11/03/06) (Attachment E6) and 'Federal Technical Response to June 2006 Goforth Memo to TOC, November 7, 2006 (Attachment E7)
- On behalf of the District, Gary Goforth presented an updated version of his analysis titled 'Comparison of Class III Phosphorus Concentrations with the Long-term Levels for the Refuge' Attachment E8).
- Garth Redfield summarized the District's viewpoint on which test is lower.
- TOC decided to postpone a vote on which test is lower until the December 20, 2006 meeting

Presented
out of
order at
2:23 p.m.

6. Updates of Interest to TOC:

- A. * **Changes to monitoring at S5A-D** - Julianne LaRock, SFWMD, and Michael Waldon, USFWS, agreed upon changes to monitoring at S5A-D and 300 and 301 structures. TOC approved their recommendations.
- Mike stated that sulfate, turbidity and TSS need to be included in the monthly monitoring at 300 and 301. After a short discussion, there was agreement to discontinue monitoring at S5A-D.

Presented
out of
order at
2:35 p.m.

- B. **Update on Modified Waters Delivery Project** - Gary Goforth, SFWMD Consultant, presented a review of data on the Modified Waters Delivery Project and its estimated influence on water quality entering Shark River Slough (**Attachment F**)

Bill Walker expressed concern for nutrient effects on WCA3A

12:53 p.m.

- C. **Status of the STAs and their Recovery and Enhancements** - Tracey Piccone, SFWMD

- Tracey Piccone reported that the STA projects due by December 31, 2006 will be completed.

12:55 p.m.

- D. **Update on Refuge water needs working group**, Mike Waldon, USFWS

- Mike will report at the next meeting on December 20, 2006.

[Lunch break 12:55 p.m.; TOC reconvened at 1:42 p.m.]

1:43 p.m.

7. **Topics and Schedule for Future TOC Meetings** - Garth Redfield (TOC Chair), SFWMD.

- A. **Research Programs under the Consent Decree**: SFWMD, December 2006.

2:02 p.m.

- B. **Updates on PSTA projects in STA-3/4 and STA-1E**: SFWMD and USCOE

- Deferred to later meeting.

2:03 p.m.

- C. **Loading to the Refuge and Achievement Methodology**

- Deferred to later meeting.

2:04 p.m.

- D. **Revision of the Refuge Regulation Schedule.**

- Offshoot of Water Needs Group and schedule is unclear.
- This item will be dropped from the agenda from the near-term.

2:05 p.m.

8. **General Public Comment.**

2:09 p.m. 9. Future TOC Meeting Dates

Special Meetings (as necessary):

- Wednesday, December 20, 2006
- Tuesday, January 16, 2007
- Tuesday, March 20, 2007

Quarterly Meeting Dates:

- Tuesday, February 27, 2007

Proposed 2007 Meeting Dates:

- Tuesday, January 16, 2007
- Tuesday, February 27, 2007
- Tuesday, March 20, 2007
- Tuesday April 17, 2007
- Tuesday May 22, 2007

3:10 p.m. Chair adjourned the meeting.