

DRAFT
MEETING SUMMARY
Technical Oversight Committee (TOC)
Special Meeting
South Florida Water Management District, Storch Room
3301 Gun Club Road, West Palm Beach, FL 33406
Tuesday, April 6, 2004

Attendees:

Garth Redfield, TOC Chair and Agency Rep., SFWMD
Nick Aumen, TOC Agency Rep., NPS/ENP
Paul DuBoway TOC Agency Rep., USACE
Frank Nearhoof, TOC Agency Rep., FDEP
Mike Waldon, TOC Agency Rep., USFWS

John Barkett, Special Master

Carlos Adorisio (SFWMD)
Bill Baxter (USACOE)
Kelly Brooks (Miccosukee Tribe)
Rick Burgess (Gunster, et al.)
Maxine Cheesman (SFWMD)
David Crowley (FDEP)
Linda Davis (SFWMD)
Charles Demonaco (FDEP)
Gene Duncan (Miccosukee Tribe)
Gary Goforth (SFWMD)
Thomas Gould (Steel Hector)
Richard Harvey (EPA)
Matt Harwell (FWS)
Don Kent (CWF)
Dan Kimball (NPS)
Julia Lacy (SFWMD)
Julie LaRock (SFWMD)
Charles Lee (Audubon)

Paul McGinnes (SFWMD)
Philip Mancusi-Ungaro (EPA)
Chip Merriam (SFWMD)
John Mitnik (SFWMD)
Cheol Mo (SFWMD)
Brooks Moore (USACOE) – Via Telephone
Paula Moree (SFWMD)
Mark Musaus (FWS)
Gabriel Nieto (Steel, Hector)
Tracey Piccone (SFWMD)
Jim Riley (COE) (via Telephone)
Adam Siegel (USDOJ)
Pam Sievers (SFWMD)
David Struve (SFWMD)
Albert Tibbs (USACOE)
Stuart Van Horn (SFWMD)
Jeff Ward (SCGC)
Bill Walker (DOI)

10:10 a.m.

Introductory Comments and Modifications to Agenda

Garth Redfield, Chair, Technical Oversight Committee (TOC), called the meeting to order at 10:10 a.m. He noted that this is a special TOC meeting arranged as a follow-up to the April 2, 2004 letter from the Principals of the Consent Decree to TOC Representatives. The final agenda (**Attachment 1**) has been revised to reflect guidance from the Principals. Routine compliance reports will be included in the next quarterly TOC meeting on May 25, 2004. There were no changes requested in the agenda.

1. Direction from the Principals in their April 2, 2004 letter and changes to the TOC Process.

Garth Redfield (TOC Chair), SFWMD.

Letter to the TOC Representatives from the Principals dated April 2, 2004 was provided to all attendees (**Attachment 2**).

The Chair indicated that the Principals want the TOC to be primarily a committee meeting of the TOC Representatives, and that they expect to have more order and focused deliberation in the process. In the future, the meetings will be run differently than in the past and public comment will be a separate section on the agenda. Speaker cards will be used and interested parties who want to speak must submit cards before Agenda Item 7.

The next regular quarterly TOC meeting is scheduled for May 25, 2004 and an agenda will be posted following guidance from the Principals. The Principals will provide topics that the TOC should focus on and interested parties should submit their suggested topics to the Principals. If anyone has a question or comment during the meeting, then that should be sent through one of the Principals. Also, the Settlement Agreement Report will be posted on the website one month prior to its due date.

10:15 a.m.

2. Approval of TOC minutes from August 12, 2003, October 30, 2003, January 8, 2004, February 3, 2004, and March 2, 2004 TOC meetings. Garth Redfield, SFWMD.

The minutes have been posted on the website and comments were requested. The TOC process will have Minutes taken at each meeting. More detailed Minutes and a different approach in note taking were requested. The contractor cost has been investigated and follow-up information was provided. Further detail on contracting for verbatim Minutes will be provided to the Principals. The Principals will have to determine how to divide up the service cost. Paul DuBoway provided related information on a USACOE contract presently on hold.

Technical changes were requested by two of the Principals to past Minutes. The Chair requested that these minor changes be provided in writing and changes will be made.

- Motion made by F. Nearhoof and seconded by N. Aumen to approve the Minutes of the following TOC meetings: August 12, 2003, October 30, 2003, January 8, 2004, February 3, 2004, and March 2, 2004, with minor changes as provided. Motion passed unanimously.

Recommendation and Follow-Up:

Minor technical changes to Minutes of August 12, 2003, October 30, 2003, and March 2, 2004 will be made.

10:20 a.m.

3. SFWMD presentation concerning progress being made to implement the Long-Term Plan. Gary Goforth, SFWMD.

Three handouts were available with information relevant to this discussion: **Attachment 3:** *District Activities Completed, Underway or Scheduled that are Related to the TOC Category A Recommendations*, dated March 29, 2004; **Attachment 4:** *Figure depicting geometric mean phosphorus concentrations during Phase I from December 2003 to October 2005 at STA-3/4*; and **Attachment 5:** *Adaptive Management of the Long-Term Plan – The Role of Process Development and Engineering, Draft Review Report*, dated March 30, 2004.

Dr. Goforth presented information using **Attachment 3** as an outline. He discussed the development and implementation strategies to operate the STAs within their design range. Several STA projects were reviewed and several questions were asked by the Principals and other interested parties. Phosphorus load reductions entering STA-1W were discussed along with other activities to improve water management in

the Refuge. Information was provided on the potential operational changes for reducing loads to STA-W by diverting excess runoff to other STAs.

Under 1d concerning actions to improve STA operations and under 1f on STA-1W, Dr. Goforth noted that a paper was being developed on operating STAs within their design envelopes. This draft will be presented at the May 25 TOC meeting.

Other actions were mentioned on Acme Basin B and M. Walden expressed the importance of these actions to the Refuge. In response to a question from Mr. Barkett, C. Merriam noted that funding is a significant factor in completion of Acme Basin B diversions and treatment. Rapid implementation could eliminate cost sharing. Concerning a question from M. Walden on moving water to Lake Worth Lagoon, C. Merriam indicated that the District could not make any problem worse while implementing CERP projects to make the overall situation better.

Information was also provided on the revision of the statistical tests recently adopted by the TOC for determining compliance with the 80-85% load reduction requirements for the WCAs and Refuge under the Consent Degree.

A brief update on STA-3/4 operations was provided. The draft operational plan is being refined during the next few months using the same approach as other STAs. Using **Attachment 4**, Dr. Goforth reviewed the sequencing of operations and enhancements for STA-3/4. This attachment contains key dates for flow-through operation for flowways 1 and 3, and summarizes STA-3/4 performance to date. In response to a question from Mr. Barkett, he noted that an operational plan is in draft form and will be completed as was done for other STAs.

11:25 a.m.

4. U. S. Fish and Wildlife Service presentation concerning Refuge monitoring and modeling. M. Waldon, USFWS.

Three handouts were available with information relevant to this discussion: **Attachment 6: *Brief and Status Update: Water Quality Monitoring and Modeling for the A.R.M. Loxahatchee National Wildlife Refuge***, dated April 2, 2004; **Attachment 7: *USFWS presentation on Refuge water quality monitoring project***; and **Attachment 8: *Work Plan: Water Quality Monitoring and Modeling for the A.R.M. Loxahatchee National Wildlife Refuge: 2004-2006***, dated March 29, 2004.

M. Harwell presented the background on the initial draft of the 2004–2006 Work Plan. Activities since the February 3, 2004 TOC meeting were outlined. Information on the project's focus and major revisions on monitoring were provided. A revised *Sampling Site Map* showing transect locations and additional stations were shown. This project has benefited from numerous technical comments, suggestions, and reviews from colleagues working on Everglades's science and management. The projected date for the initial publication of data is September/October 2004.

Recommendation and Follow-up:

Post attachments concerning the Refuge activities to the TOC website.

11:30 a.m.

5. USACOE presentation concerning STA-1E. Al Tibbs, USACOE contractor.

Pump testing is currently underway and it is estimated that elements of this project will be turned over to the District in a few weeks. Cells 1, 2, and 3 are ready for flooding and Cell 4 will remain dry. The

nesting of birds in the STA-1E area was discussed. The nesting of migratory birds is of concern to Mr. Tibbs because it may cause construction delays. All cells, except for the PSTA project (which is still in the planning stage), are expected to be ready by June 1, 2004. Information on STA permitting was provided by F. Nearhoof. G. Goforth stated that 6–18 months is the projected schedule for operation start-up based on the experience with other STAs. P. DuBoway will confirm completion date projections and have the dates available at the next TOC meeting. New water coming into the Refuge also is of concern per M. Waldon. A Public Meeting Workshop will be held on this aspect as a permitting issue.

Recommendation and Follow-Up:

This topic will be an agenda item at the next TOC meeting. Also, a copy of a PowerPoint presentation on this topic by Mr. Tibbs will be forwarded to Dr. Redfield and he will provide a copy to the Principals.

11:45 a.m.

6. EAA, BMP Program: Options for improving basin performance. Pamela Sievers, SFWMD.

Ms. Sievers presented information on the Everglades Regulatory Program including BMP objectives, strategies for improvement, site inspections, technical feedback through extension programs, water quality improvement strategies at the sub-region level, and BMP grant incentive program. Phosphorus at the source through BMPs for the EAA and C-139 basins was discussed (**Attachments 9 and 10**). The EAA basin results showed a three-year trend of a 57% load reduction. WY2003 EAA basin results showed a load reduction of 35%. WY2003 C-139 basin results showed 77 tons of phosphorus, with average concentration of 279 ppb.

7. Public Comment

- a) Gene Duncan, representing the Miccosukee Tribe of Indians, expressed his disappointment on the current meeting format and belief that this discourages interaction in the meeting process. The Tribe has no TOC representative and was not consulted on the letter from the Principals. The letter was not signed by all the Principals. Also, monitoring information and water quality data that has been delayed for six months is too long. Information on inflows and mercury levels are also of concern to the Tribe.
- b) Charles Lee, Audubon Society, spoke on the EAA BMP issue and expressed appreciation for today's presentation by the District. Discharges from both small and large farms as well as P level reductions on farms are of concern to him. A map was provided showing P discharges from sub-basins within the EAA (**Attachment 11**). The level of SFWMD's effort through 2016 for STA optimization compared to BMP funding to the EAA is very large (\$32,543,000 for STAs and \$5,278,000 for EAA BMPs). It was suggested that the EAA needs to be revisited relative to the existing rule for phosphorus source controls. Mr. Barkett, Special Master, inquired if formal discussions have occurred between Mr. Lee and any of the agricultural interests. Mr. Lee indicated that only passing discussions have taken place, and he would like the District to hold future workshops to further discuss this issue. G. Redfield added that the landowners' perspective on possible improvements to BMPs is needed.
- c) Mr. Barkett requested information on report timelines. Julianne LaRock, SFWMD, noted that obtaining station data is sometimes difficult. The Chair indicated that follow-up information will be provided at the next TOC meeting regarding bottlenecks in obtaining data and reporting in a timelier manner.

12:20 p.m.

8. Dates for future TOC meetings:

May 25, 2004: Quarterly meeting, in the Storch Room from 10 a.m. – 3 p.m. The Principals will meet on May 5, 2004 and will continue to meet on a quarterly basis in coordination with the Task Force. M. Waldon announced that on May 18, 2004 there will be a Loxahatchee Science Meeting at the South County Civic Center and more information will be forthcoming.

Adjournment: 12:25 p.m.