

**Quarterly Meeting of the
Technical Oversight Committee (TOC)**

Tuesday, May 20, 2008

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, FL 33406

TOC Representatives:

Garth Redfield, TOC Chair, SFWMD Ken Weaver, FDEP
Nick Aumen, NPS/ENP Mike Waldon, USFWS/Refuge
Trent Ferguson, USACE (by phone)

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

10:07 a.m. **TOC Meeting called to order by TOC Chair**

10:08 a.m. **Modifications to the agenda and announcement of documents available on the TOC website** – Garth Redfield, SFWMD

The agenda (**Attachment 1**) was modified to omit a formal presentation by Peter Rawlik on marsh re-sampling guidelines (Agenda Item 3). Garth Redfield offered to answer questions on the presentation slides in Pete's absence.

10:10 a.m. **Agenda Item #1A. Approval of TOC meeting notes from February 26, 2008, meeting** – Garth Redfield, SFWMD

The minutes from the February 26, 2008, meeting (**Attachment 2**) have been posted on the TOC website and no comments were received prior to the May 20th meeting. Nick Aumen, NPS/ENP, requested a slight modification in the February 26th minutes to remove any reference to follow-up actions that occurred after the meeting (e.g., Action Item #7 on page 2). For future meetings, the minutes will include only actions discussed during the meeting and will not include updates on follow-up actions completed after the meeting.

→ **Action Item #1:** Garth Redfield will post the final minutes from the February 26th quarterly TOC meeting on the TOC website in May 2008.

→ **Action Item #2:** Garth Redfield will post the draft minutes from the May 20th quarterly TOC meeting on the TOC website by early June 2008.

→ **Action Item #3:** TOC representatives will review and approve the May 20th meeting minutes electronically by the end of July 2008.

10:12 a.m. **Agenda Item #1B. Testing the retrieval of provisional and final flow data** – Mike Waldon, USFWS

This agenda item was a follow-up item from the previous quarterly TOC meeting on February 26, 2008. Mike Waldon, USFWS, had expressed concern that he was unable to access provisional flow data in a timely manner. At the May 20th meeting, Mike Waldon reported that the issue has been resolved and the flow data appear to be available within 7 days after measurement. No further action is required on this item.

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10:15 a.m. **Agenda Item #1C. The influence of weighting stage values on calculated compliance levels – Cheol Mo, SFWMD**

As a follow-up from the last TOC meeting, Cheol Mo, SFWMD, presented an analysis of the potential impact of using a weighted stage level based on the number of stations sampled each day. The SFWMD currently uses a simple arithmetic mean stage level to calculate the total phosphorus (TP) compliance levels for the Refuge. The Consent Decree assumed that all 14 compliance stations would be sampled on the same day but this is no longer feasible with helicopter availability, field staffing, weather, and other sampling logistics. For the 110-month period from February 1999 through March 2008, only 16 months were potentially affected by the compliance level calculation method. However, the stage difference was so small that the resulting difference in the TP compliance level was less than 0.1 parts per billion (ppb). The SFWMD recommended that 1) all LOX compliance stations be sampled within 3 days and 2) the TP compliance levels continue to be calculated using an arithmetic mean stage. Copies of the presentation (**Attachment 3**) and data summary (**Attachment 4**) were distributed.

All TOC representatives agreed with the proposed recommendation to schedule monthly sampling at all Refuge compliance stations within 3 days and calculate TP compliance levels based on an arithmetic mean stage for stage gages 1-7, 1-8C, and 1-9 on the days when sampling occurred.

10:40 a.m. **Agenda Item #2. Presentation of the Settlement Agreement Report – Pamela Lehr, SFWMD**

Pam Lehr, SFWMD, presented the 1st Quarter 2008 Settlement Agreement report. Copies of the report (**Attachment 5**) and presentation (**Attachment 6**) were distributed. TP concentrations were in full compliance with the terms of the Settlement Agreement and Consent Degree for the reporting period. John Barkett commented that during the drought over the past 2 years, TP flow-weighted mean concentrations have increased in Shark River Slough and decreased in Taylor Slough and the Coastal Basins. Cheol Mo explained that Shark River typically exhibits an inverse relationship with flow and TP concentrations (e.g., elevated TP concentrations during low-flow periods). Nick Aumen added that Taylor Slough drains to the canals and TP concentrations at sampling stations tend to remain low. The flow weighted mean TP concentration for Taylor Slough stations was 4.6 ppb during the 1st quarter of 2008 which is less than half of the long-term limit of 11.0 ppb. There were no sampling events for Taylor Slough and the Coastal Basins with a flow-weighted mean TP concentration greater than 10 ppb during the 12-month period through March 2008.

Nick Aumen reported that recent fires have impacted 36,000 acres of Everglades National Park, making it one of the largest fires listed on the national fire reporting website (<http://www.inciweb.org>). The firefighters released a high-phosphorus fire retardant to protect adjacent urban areas. Dropping buckets of water from a helicopter is preferable to using fire retardants to minimize contamination in the Park. If human safety is not a concern, fires can be allowed to burn.

→ **Action Item #4:** Nick Aumen will identify the fire retardant used in Everglades National Park and work with the fire department to explore other options for future fires.

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11:02 a.m. **Agenda Item #3. Marsh re-sampling guidelines – Peter Rawlik, SFWMD**

Peter Rawlik was unable to attend the May 20th meeting but copies of his presentation (**Attachment 7**) were distributed. Garth Redfield, SFWMD, provided a brief overview of the marsh re-sampling guidelines and requested comments from TOC representatives.

- **Action Item #5:** TOC representatives will send review comments on the marsh re-sampling guidelines to Garth Redfield and Peter Rawlik by July 1st. Reviewers should provide detailed suggestions for revisions and comment on specific areas if appropriate.

11:03 a.m. **Agenda Item #4. Water quality in the Refuge and interpretation of excursions; discussion of issue paper and responses – Garth Redfield, SFWMD**

Garth Redfield, SFWMD, announced that the SFWMD posted an issue paper on the interpretation of water quality excursions in the Refuge. No comments had been received prior to the meeting. Copies of the issue paper (**Attachment 8**) and a bulleted list of highlights (**Attachment 9**) were distributed. The purpose of the paper was to expedite handling any future excursions in the Refuge.

The issue paper generated extensive discussion during the meeting. Mike Waldon, USFWS, commented that the issue paper did not provide an analysis of environmental conditions proximal to the October excursion. John Barkett and Ken Weaver, FDEP, recommended focusing on the issues in the marsh and load reductions rather than the compliance equation.

- **Action Item #6:** Mike Waldon will compile data near the October excursion that could explain the likely cause of the excursion.
- **Action Item #7:** Nick Aumen will submit a written response to the issue paper on behalf of DOI representatives.
- **Action Item #8:** Garth Redfield will contact Sue Newman, SFWMD, regarding the 1991 Kraft and Richardson paper on soil compaction and oxidation rates. Garth will also correct the footnote references in the issue paper as needed.
- **Action Item #9:** Garth Redfield will add responses to the issue paper as an agenda item at the next TOC meeting if needed.

11:41 a.m. **Agenda Item #5A. Update on STAs and related projects – Jeff Kivett and Tracey Piccone, SFWMD**

Tracey Piccone, SFWMD, and Jeff Kivett, SFWMD, presented an update on the STAs and related projects. Copies of their presentation (**Attachment 10**) and Water Year (WY) 2008 preliminary water quality data (**Attachment 11**) were distributed. Gene Duncan and Joette Lorion commented on the lower phosphorus removal rates this year based on lower flows through the STAs. Load removal calculations for WY 2008 will be presented in the draft 2009 South Florida Environmental Report (SFER) in September 2008. The EAA Reservoir A-1 project will be placed on standby on June 1st until resolution of the NRDC lawsuit on the USACE 404 permit. Nick Aumen requested that DOI technical staff get involved early in the EIS process. The ECART project is intended to improve the overall STA water balance.

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- **Action Item #10:** Garth Redfield suggested that DOI conduct an analysis of water flows proposed in the ECART project to address DOI's concerns about overloading the STAs and removing water from the Refuge.
- **Action Item #11:** Tracey Piccone will confirm the schedule for the Compartment B and C EIS and the ECART permit.

12:15 p.m. **Agenda Item #5B. Update from Working Group on the water needs of the Refuge – Mike Waldon, USFWS**

Mike Waldon, USFWS, presented an update on the Refuge Water Needs Working Group. The Refuge water needs document (**Attachment 12**) and presentation (**Attachment 13**) were distributed. The Refuge Water Needs Working Group was initiated in October 2006 and consisted of approximately 30 participants representing State and Federal agencies. The technical representatives looked for areas of consensus. Consensus was reached on the summary document but not on the individual reports. Nick Aumen expressed thanks to SFWMD staff (Tracey Piccone and Wossenu Abteu) and Shawn Komlos, USACE, for their contribution to this effort. The three approaches considered to determine the Refuge water needs were an historical data analysis, statistical analysis, and modeling. Stage was proposed as a surrogate for water needs rather than a fixed annual inflow volume. Inflow needs are based on the Refuge conditions and may require a regulation schedule change.

- **Action Item #12:** Mike Waldon will publish the reports generated by the Refuge Water Needs Working Group.

12:48 p.m. **Agenda Item #5. Public comment**

Matt Harwell, USFWS, thanked the SFWMD for posting the available P-compliance network data for WY2008 on the TOC website. He also announced that the SOFIA website has been updated with information on the science workshop to be held in conjunction with the GEER conference in Naples at the end of July (<http://conference.ifas.ufl.edu/GEER2008/>). Matt requested information on the discharge from the Refuge into the L-8 Canal and L-8 Reservoir.

- **Action Item #13:** Matt Harwell will contact Susan Sylvester, SFWMD, for additional information on the discharge from the Refuge into the L-8 Canal and L-8 Reservoir.

12:20 p.m. **Agenda Item #6. 2008 TOC Meeting dates**

Upcoming meeting dates are posted on the TOC website. There are no special TOC meetings scheduled. The quarterly TOC meetings for the remainder of 2008 will be held on August 19th and December 16th. Garth Redfield expressed the SFWMD's preference to schedule quarterly meetings at least 7 weeks after the end of the calendar quarter to allow sufficient time for laboratory data analysis and preparation of the quarterly Settlement Agreement report.

- **Action Item #14:** Garth Redfield will arrange for public notices for the August 19th quarterly meeting.

12:53 p.m. **Meeting Adjourned**