

Notes from the Quarterly Meeting of the Everglades Technical Oversight Committee (TOC)

December 13, 2022

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

TOC Representatives:

Julianne LaRock, TOC Chair, SFWMD	Lori Miller, Refuge
John Barkett, Special Master	Edward Smith, FDEP
Daniel Crawford, USACE	Donatto Surratt, ENP

Note: *This meeting was conducted in person, online, and by phone, and was recorded by a court reporter. Copies of the transcript are available for purchase; please contact Florida Court Reporting (561-689-0999) for more information. Handouts and presentations are available on the TOC website (<https://www.sfwmd.gov/our-work/toc>) and a recording of the meeting is available online at: [TOC - Granicus Content](#).*

1. TOC Opening Business – Julianne LaRock, SFWMD

1A. Welcome, Announcements, and Identification of Participants

Julianne LaRock called the meeting to order.

1B. Agenda Modifications and Documents Available on the TOC Website

Julianne reviewed the agenda and the list of files recently posted on the TOC website. There were no requests to modify the agenda.

1C. Approval of Meeting Summary for August 30, 2022

The TOC approved the August 30, 2022 meeting summary with no requests for changes. Donatto Surratt mentioned that updates were made to the Shark River Slough (SRS) Water Quality Compliance Evaluation WY2021 presentation that he provided at the August 30 TOC meeting. Updates to the slides of the presentation were delineated using green stars in the upper or lower right corner. None of the updates Donatto provided changed the recommendations from his initial presentation.

Associated Online Documents:

- [Final Agenda for December 13, 2022](#)
- [Draft Meeting Notes for August 30, 2022, Meeting](#)
- [Shark River Slough Water Quality Compliance Evaluation WY2021 Presentation-Revised](#)

2. First Quarter 2022 Settlement Agreement Report – Chelsea Qiu, SFWMD

Chelsea Qiu presented the 2022 second quarter Settlement Agreement report, which includes results of total phosphorus (TP) monitoring in the Arthur R. Marshall Loxahatchee National Wildlife Refuge (Refuge), SRS, and Taylor Slough and Coastal Basins (TSCB) through June 2022. Results for SRS were calculated using provisional flow data and are preliminary.

Refuge 14-station geometric mean TP values for April and May were below the computed long-term levels (LTL) and above the LTL in June 2022. Thirteen stations were sampled in April, seven were sampled in May, and fourteen stations were sampled June 2022. The 36-month

average TP geometric mean is 6.8 parts per billion (ppb), which is 2.6 ppb below the 36-month average LTL of 9.4 ppb. The geometric mean TP concentrations show an excursion for June 2022 but were below the LTLs for the other months.

For SRS, the second quarter of calendar year 2022 was presented. Look-ahead provisional data were also included, completing the dataset for WY2022 and the provisional reporting for the 12-month tracking period. Provisional TP flow-weighted mean concentrations (FWMC) for tracking were higher than the provisional tracking limits.

TP FWMC values for TSCB for the 12-month periods ending in April, May, June 2022 continue to be about half of the LTL (11 ppb). The observed percent of sampling events greater than 10 ppb was far below the monthly guideline of 53.1%.

Questions, Comments, and Discussion:

There were no questions or comments for this presentation.

Associated Online Documents:

- [Settlement Agreement Quarterly Report, April – June 2022, presentation](#)
- [Settlement Agreement Report, Second Quarter 2022 April - June 2022](#)
- [Second Quarter Quality Assessment Report for Water Quality Monitoring, April - June, 2022 - Revised](#)
- [Second Quarter Quality Assessment Report for Water Quality Monitoring, April - June, 2022 Water Quality Data](#)
- [Arthur R. Marshall Loxahatchee National Wildlife Refuge Total Phosphorus \(TP\) Compliance Status as of Second Quarter 2022](#)
- [Provisional Shark River Slough Second Quarter 2022 Total Phosphorus \(TP\) Data Report](#)
- [Taylor Slough and Coastal Basins Second Quarter 2022 Total Phosphorus \(TP\) Data Report](#)

3. Follow-up Discussion of Exceedance Federal WY2021– TOC Representatives

Julianne provided an overview of the recently published memo from the Principals of the Consent Decree regarding the exceedances of Federal WY2019 and 2021.

Donatto provided an update regarding the completion timeline for the S333 Working Group Sediment Characterization Study being directed by Everglades National Park (ENP). The study is being conducted using three components: an experimental investigation to understand the sediment volume of the canal floor, characterization of the sediment itself, and nutrient sourcing for the S333. The projected completion date to present a consolidated report of all study findings for the three components is June 2023, aiming to complete each study component in phases, with the first component by April, the second component by March, and the third component by June.

Questions, Comments, and Discussion:

Special Master John Barkett voiced his concern that after having violations in 2019, 2021, and potentially 2022, the S333 Sediment Characterization study will not be completed until June 2023. The Special Master specified that his concern is regarding the delay before implementing remedies required by the Settlement Agreement and Consent Decree. He also stated that according to the Settlement Agreement, it is not TOC's role to create a schedule but rather to review data, advise, and provide recommendations. The Special Master inquired

as to whether the agreement between the Federal and State principals to wait on implementing remedies for the WY 2019 SRS exceedance until completion of the S333 Working Group Studies conflicts with the Consent Decree. He requested the U.S. Department of Justice (DOJ) counsel convene with State party counsel to submit to him a joint statement confirming the Settling Parties concurrence with the path forward set out in the memo and explaining that the path forward was consistent with the terms of the Consent Decree by January 9, 2023. Both FDEP counsel and DOJ counsel agreed to work together with the SFWMD's counsel to comply with this request.

Associated Online Documents:

- [Exceedance of Federal WY2021 Follow-up Discussion - December 2022 Memo](#)

4. Public Comment

Public comments were given by Drew Martin from the Sierra Club.

TOC Closing Business – Julianne LaRock, SFWMD

The TOC will host the next quarterly meeting on February 28, 2023. This meeting date will be put on the web page as soon as possible.

Julianne adjourned the meeting.