

**Combined Structural and Operational Plan
Advisory Team
9th Meeting**

JULY 29- 30, 2004
Homestead, Florida

DRAFT FACILITATORS'
MEETING SUMMARY

NOTE: This is a draft meeting summary prepared by the facilitators that will be reviewed, refined as needed and adopted at the August, 2004 CSOP Advisory Team Meeting.

Prepared by Bob Jones & Chris Pedersen, Florida Conflict Resolution Consortium

CSOP Advisory Team website
http://www.sfrestore.org/issueteams/csop_advisory_team/index_.html

Combined Structural and Operational Plan Advisory Team
9th Meeting
JULY 29-30, 2004
Miami, Florida

DRAFT MEETING SUMMARY

Voting Members present: Carol Rist, Chair, John Adornato, Medora Alleman, Loly Espino, Madeline Fortin, Cynthia Guerra, James Humble, Tom MacVicar (Day 1), Alice Pena, Barbara Jean Powell (Day 2), Walters (Day 2)

Non Voting Members present: Denis Duke, Bob Johnson, Linda McCarthy, Jim Murley, Rock Salt,

Alternates present: Deb Drum (for Shawn Sculley), Richard Grosso (for Debra Harrison), Jerry Lorenz (for Tad Burke), Temperance Morgan (for Ernie Barnett), Maryann Poole (for Barry Rosen), Alex Score (for Commissioner Rice). Kim Taplin (for Denis Duke),

I. WELCOME, OPENING REMARKS

The Chair opened the meeting and asked the members to introduce themselves. The following members were in attendance at the start of the meeting. She then reviewed the original premise of the group to try and find consensus solutions that meet everyone's interests and she hoped the group would take advantage of the opportunity. The Chair then reviewed the objectives for the meeting. The facilitator then reviewed the agenda for the meeting and meeting guidelines and members agreed to utilize it.

II. PERFORMANCE EXPECTATIONS STATUS AND PROCESS GOING FORWARD

A. Introduction Statement

The Chair summarized her June 22 memo which invited members to respond to a draft summary. She noted the present draft addressed the comments received. She asked the Team to discuss the draft, clarify any concerns and engage in straw poll to test its flexibility.

Comments on the Introduction- 7-29

- It would be good to have some idea from the Corp whether or not they can meet our expectations. It would also be helpful to have a update on funding from Corp.
- Some of the projects have gone up but funding has not been cut. Estimates have gone up
- Hope is rather a weak word.
- Use "expectation" rather than "hope"
- It would be good to know the consequences of not meeting

- It would be good to know the consequences of not meeting expectations.
- If we are voting to accept this, it means we will be accepting things like flood protection when we may not necessarily agree with all the expectations.
- I hope it is our expectation that flood protection will increase and the environment will not suffer.
- Concerns were expressed about some of the expectations may “water down” what we have worked so hard to achieve.
- This is a document for our use. These are our Team’s expectations.
- The restoration cannot go forward if it causes increased flooding
- The difficulty lies when increased flood protection harms the environment.

Straw poll on the introduction draft

	Yes	No
ALL MEMBERS	18	1

Comments following the Straw Poll

- Consider whether the word “successful” in introduction. Should this not hinge on the achievement of the congressional intent vs. our expectations?
- “Success” refers to how the Team views success. Our individual views of success may be different.
- We may have differing view about flood protection
- What if the emphasis is placed on what the Team feels about CSOP success rather than whether CSOP is successfully
- This list of statements represent the Team’s collective expectations.
- Is there a way to describe what might be the primary set of expectations or objectives and a set of secondary expectations or objectives?
- Rework the sentence as follows: Instead, this list of statements represents the Team's collective hopes expectations as to what the CSOP needs to achieve to be successful, ~~and that~~ will serve as a gauge for the team to measure any gaps between these expectations and CSOP proposals developed by the Corps.

B. Proposed Assumption Language

The Chair noted that member Tom MacVicar submitted the following statement in response to the June 22 memo as a possible new assumption and chair’s amendment to build consensus:

“MWD features that result in higher seepage to the L-30 and L-31N canals will not be implemented until facilities are in place to allow G-211 and S-338 to act as drainage divides regardless of whether these facilities are constructed as part of the MWD Plan or under some other authority.”

Comments on MacVicar’s Proposed Assumption

- The chair presented the additional assumption. Tom explained that he thought his addition would provide greater clarify.

- S-338 as a divide has not been a part of our discussion to date. It has been discussed by the PDT and County discussions
- Is this statement too specific? We already have addressed seepage in at least 3 performance expectations (#6, #12, #13).
- Is this a real world expectation or is it beyond the work of our group?
- The bookend alternatives runs will give the Team a good handle on seepage. It will tell us if the 356 pump needs to be bigger.
- We don't have enough information on this statement. Could this statement stop progress on mod waters?
- I agree this is a problem the Team needs to deal with, but I have trouble supporting this as the solution.
- The CSOP must deal with seepage before implementing this plan.
- Mitigation for additional seepage is the important idea here.
- Increased flood risk is also part of this. The important concept here is "prior to". We should be mitigating the higher flood risk.
- If Mod Waters causes the problem, mod water should solve that problem.
- The Corps is committed to solve these problems.
- Mod waters will help reduce seepage and that will solve problems.
- Modeling needs to take place to validate the reduction in seepage.
- Bill Reck suggested the following amended language to the MacVicar proposal

G. MWD features that result in increased seepage to the L-30 and L-31N canals will not be implemented until facilities are in place to mitigate the higher flood risk regardless of whether these facilities are constructed as part of the MWD Plan or under some other authority.

<i>STRAW POLL:</i>	Yes	No
All Members	8	9
Voting Members	5	5

Comment's on Tom/Bill's language

- There is ambiguity about the meaning of mitigate the higher flood risk
- The flood risk should be tied to the seepage
- Are there ways to mitigate without facilities, can you mitigate through operations?
- The higher flood risk - higher than what?

Suggested language changes on draft assumption by Jerry Lorenz

MWD features that result in increased seepage to the L-30 and L-31N canals will not be implemented until facilities are in place to mitigate the increased seepage. ~~regardless of whether these facilities are constructed as part of the MWD Plan or under some other authority.~~ If the existing MWD plan cannot mitigate the increased seepage, then facilities beyond those of MWD plan must be in place before MWD can be implemented.

<i>STRAW POLL:</i>	Yes	No
All Members	8	8
Voting Members	5	5

Chair's Initial Proposed Language

The CSOP will reduce the existing seepage problem as much as possible with MWD structures.

<i>STRAW POLL:</i>	Yes	No
All Members	10	7

Chair's 2nd Draft Proposed Language

The CSOP will reduce the existing seepage problem as much as possible with MWD and C111 structures and/or operations.

Comments

- When included with the other assumptions A-C, D-H, some context is provided.
- This assumption doesn't negate the other assumptions.
- Should we include C111 structures?, operations?, period after possible?
- Add consistent with restoration goals? – the context appears in the assumptions that precede and follow
- Incorporate this into G and end the sentence with possible, or not?
- Re-label the existing G and H assumptions to H and I respectively.

<i>STRAW POLL:</i>	Yes	No
All Members	19	0

<i>STRAW POLL:</i>	Yes	No
Voting Members	11	0

C. Discussion of “Position of Opposition” and Request from Environmental Interests

John Adornato explained the Position of Opposition. He clarified that the four members (Adornato, Guera, Harrison & Lorenz), were asking the team to move Expectations # 3, 7, and 12 to the appendix. There was discussion among members about:

- The meaning of consensus as defined in the Team's guidelines
- The possibility of needing to change the decision rules related to when a single interest votes against a proposition,
- Fairness in continuing to use the decision rules until these statements are forwarded to the Task Force.
- Concerns were expressed about characterizing these statements as consensus,
- comments about expectations accompanying expectations,

- Early reservations expressed before the creation of the CSOP Advisory Team by environmental groups to a consensus process based on the Task Force's 2/3's decision rule.
- Consensus appears seven times in the introduction. This needs editing and possibly clarification.
- It was suggested that a different report format could more clearly show where the group is unanimous and where it adopted a statement by a supermajority.

The Chair agreed to ask the facilitator's to present a revised report format based on these comments that was presented on day two.

III. PLANNING CONDITIONS PRESENTATION- ALTERNATIVE DEVELOPMENT 101- KIM TAPLIN, USACE

See http://www.sfrestore.org/issueteams/csop_advisory_team/index.html for a copy of the power point presentation on Alternatives Development 101.

Q&A

- Does the Corps have an evaluative step in their six step process.? We include monitoring in our process.
- What would the Corps do if a technical problem arises, such as the seepage issue? The Corps will get the appropriate people together to deal with the problem.
- How much flexibility does the Corps have in their authority? Can you retrofit for operational changes since 1992? We do have some flexibility and modeling data will tell us a lot about whether changes are needed.
- Does this plan become the new regulation schedule? Yes
- Why was 83 chosen as the base condition? That was the year for which data was available.

V. PLANNING CONDITIONS- MODEL OUTPUT (PAUL LINTON)

Paul Linton began his presentation at the end of Day 1 and continued on Day 2. See http://www.sfrestore.org/issueteams/csop_advisory_team/index.html for a copy of the power point presentation on Planning Conditions- Model Output.

July 29 Member Comments and Q& A

- How far away from the canal is there a draw down? Depends on the depth of the canal and wet/dry conditions, 1 foot to miles.

July 30 Member Comments

- Are these model runs all on the eastern side of the park and will you show the other models? We have not run the other models yet but we will be showing them to you later.
- The operations in the 1994 planning conditions are different than either of these alternatives being presented. The canal levels are different.

- Our opinion is that the water levels in the 1994 planning conditions cause more flooding in south Dade.
- Why did you use the 2x2 model rather than the mod branch model? We will run that model as well; it takes time to run the models.
- The authorization provides construction features to provide minimum flood protection. It did not authorize canal levels.
- Do the lower canal stages or flood protection compromise restoration in the park? No
- Can we tell what water level we need for restoration of the park and will provide flood protection?
- You will never have a natural condition in the Park with dry seasons and wet seasons. What we have and will have is a system that mimics the natural condition.
- I thought DOT would only let you go to 7.5 feet along the Tamiami Trail? The emergency order says we can go to 9 feet and that is what we are operating under today.
- Does the Angels Well criteria disappear? The new alternatives will have a change for Angels Well.
- We would like the presentation handout maps to be larger and in color.
- Does the tribe approve of the ground water level range?
- Is it possible to have some text with the graphs that we will be seeing over and over so we can better understand?

IV. PRESENTATION ON ALTERNATIVES DEVELOPMENT- BOOKEND ALTERNATIVES

As a way of highlighting how the technical information could be best presented to the Team, Paul Linton, SFWMD and Kim Taplin, ACOE presented the “bookend” alternatives treatment of WCA 3A and 3B and the related Team assumptions. It was agreed that at the August meeting the Team would work through alternatives in relation to their expectations. Members had the following comments on how to best present information in the future for the Team to get educated so it can seek to provide advice to the Task Force:

- It is difficult to understand the technical information. The give and take between Tom and Bob helps all of us to better understand the issues.
- A general understanding of this information might be more helpful than a lot of technical information.
- We need to know what the significance of the information is when placed against our expectations.
- The District puts out monthly reports that are very helpful.
- We need a bottom line for the information we need. What information do we really need?
- I need to know what the graphs are telling me.
- This information will be difficult for us to understand at first but we will get more comfortable with it over time.
- Some of the raw data is helpful for us because of past distrust.
- We need to take the time to understand all this data and how the models work because this is what will help us to make the decisions we need to make.

- The Corp website does have all the available data.
- Why do you use one model in one area and another model in other areas?
- Some of the modeling assumptions, such as 2.5 feet for tree island damage is under debate.
- Are there disputes about the natural state and size of tree islands? The main concern now is protecting the existing tree islands.
- We want to maintain tree species richness in tree islands and the species richness is tied to water levels.
- Do all the bookends assume Tamiami Trail improvements? Yes

V. ADOPTING THE CSOP ADVISORY TEAM STATEMENTS AS REVISED

On Day 2 the Team reviewed a new format for the CSOP Advisory Team statements which highlighted the unanimous statements as well as flagged the four statements that received greater than 2/3 but less than unanimous support. These four statements also had the “minority” statements appended in the text. Mr Humble and Mr. Walters requested that their lone dissenting votes on two statements be changed to show unanimous support for those expectation statements.. Mr. Humble agreed to work with those voting against the statement on Tamiami Trail to provide a paragraph outlining their concerns which would be added to the text with that statement.

Mr. Humble moved and Ms Espino seconded a motion to adopt the Team’s statements as formatted and present them to the Task Force. The vote to adopt the statements was unanimous:

<i>Vote</i>	:	Yes	No
Voting Members	:	11	0

VI. REVIEW OF WORK PLAN AND NEXT STEPS

The Chair reviewed with the Team the August agenda which would take place on Friday, August 27, 2004 and explored the possibility of a half day workshop on Thursday, August 26. Few members present indicated they could participate in the workshop. It was agreed to meet for the day and to have the Corps present the alternatives they have prepared, including the bookends, in relation to the project areas the Team has set forth expectation statements. It was also suggested that the Team review its work plan through the end of 2004 and into 2005 in the context of the Corps schedule for developing the plan and plan alternatives.

VII. PUBLIC COMMENT

- It would be helpful if there was an explanation of the no action alternative.

The meeting adjourned at 12:30 p.m.

Appendix #1
Combined Structural and Operational Plan Advisory Team
Ninth Meeting Draft Agenda
JULY 29-30, 2004
Homestead, Florida

PROPOSED MEETING OBJECTIVES

- Review the status of the CSOP Team Performance Expectations
- Consider, discuss and refine additional draft chair amendment to performance expectations
- Seek to adopt the CSOP Team's Progress Report as amended
- Receive an update from the ACOE on the Project Delivery Team's work plan, products and schedule going forward;
- Review the CSOP Work plan schedule
- Receive presentations on CSOP alternatives development
- Agree on next steps, meeting schedule, assignments and the 10th meeting August, 2004 agenda.

DRAFT MEETING AGENDA

July 29, 2004, Thursday

8:30 Welcome, Opening Remarks, Agenda Review and Meeting Guidelines, Review and Adoption of the 8th June 17, 2004 Meeting Summary.

9:00 Performance Expectations Status and Process Going Forward

Overview of June 22 Memo and Responses

Draft Introduction statement

Review of Team Expectation, Assumptions and Performance Expectation statements

- MacVicar proposed assumption
 - Adornato et al. Proposal for Expectation statements #3 & #12
- Review of Appendix "minority statements"

10:30 Break

10:45 Continue Review of CSOP Advisory Team Statements

12:00 Lunch

1:15 Adopting the CSOP Advisory Team Statements

2:00 Overview and Update on PDT Schedule and Milestones- April-September, 2004

- PDT Schedule Update with milestones- Kim Taplin
- Review of impact of Performance Expectations on PDT efforts to develop performance measures- Kim Taplin
- Corps Phase I and Phase II Elements, Actions and Plans

3:00 Break

3:15 Planning Conditions Presentation- Alternative Development 101- Kim Taplin, USACE

- How are alternatives developed in a NEPA process?

- What should the Team expect in terms of alternatives development? What will be their role in shaping and reacting to these alternatives?

Q & A

4:15 Planning Conditions- Model Output (Paul Linton)

5:15 Public Comment

5:30 Recess

July 30, 2004, Friday

8:30 Review of Day 2 Agenda

8:35 Presentation on Alternatives Development- Bookend Alternatives (Paul Linton, SFWMD)

10:00 Break

10:15 Presentation on Alternatives Development- Bookend Alternatives (continued)

11:00 Review and Adoption of the Advisory Team Statements

11:30 Review of Workplan and Next Steps

Review of August agenda

11:45 Public Comment

12:00 Adjourn

APPENDIX #2
MEETING EVALUATION SUMMARY
 Combined Structural and Operational Plan Advisory Team
HOMESTEAD, FLORIDA
NINTH MEETING JULY 29-30, 2004

Agree



Disagree



CIRCLE ONE

5 4 3

2 1

WERE THE MEETING OBJECTIVES MET?

- Review the status of the CSOP Team Performance 5 4 3
2 1
 Expectations **9** **3** **2** **1**
0=4.3
- Consider, discuss and refine additional draft chair 5 4 3
2 1
 amendment to performance expectations **8** **5** **1**
1 **0=4.3**
- Seek to adopt the CSOP Team's Report to the Task Force 5 4 3
2 1
 as amended **13** **2** **0** **1**
0=4.7
- Receive an update from the ACOE on the Project 5 4 3
2 1
 Delivery Team's work plan, products and schedule going **3** **1** **4** **0**
4=2.9
 forward;
- Review the CSOP Work plan schedule 5 4 3
2 1
1 **5** **5** **0** **1=3.4**
- Receive presentations on CSOP alternatives development 5 4 3
2 1
2 **1** **5** **6** **1=2.8**
- Agree on next steps, meeting schedule, assignments and the 5 4 3
2 1

- Presentation materials need to be clear and legible to assist in the understanding of the materials.
- Better communication to technical staff regarding the format for info to be presented that would be the best for the Team.
- Comments too extensive.
- Annotated slides, readable slides as discussed at meeting.
- Dialogue should be better monitored to address issues at hand. We tend to get off on a tangent too often.
- Facilitators need to do a better job of keeping the group from going down bunny trails.
- How technical information is presented to this group needs to be drastically improved. We need to make the information available on the web for those people who want to delve deeply into one particular graph. Otherwise we waste a lot of time when 1 member has a detailed question about 1 graph which then leads the group down a bunny trail. This sets a bad precedent. The leadership needs to work on how to convey information concisely yet make all information available to those who want it.

Other comments?

- Can we include copies of the acts of Congress that are specific to what we are trying to decide on? There seems to be a lack of consensus over what Congress has authorized.

Appendix #3 Final Statements Document.

Combined Structural and Operational Plan Advisory Team
DRAFT TEAM STATEMENTS
EXPECTATIONS FOR SUCCESS, ASSUMPTIONS AND CSOP PERFORMANCE
EXPECTATIONS
July, 2004

INTRODUCTION

The Advisory Team, chaired by Carol Rist is composed of stakeholder voting members representing residential, agricultural, recreational and environmental interests, as well as local, state and federal governmental non-voting representatives. The Team was formed, charged and convened by the South Florida Ecosystem Restoration Task Force in December, 2003, ~~to seek consensus among the stakeholder Team members on~~ provide advice to the Task Force for its consideration in providing guidance and advice to the Army Corps of Engineers on the development of the CSOP. Pursuant to its charge, the Advisory Team has met 9 times since December, 2003, to receive briefings on the CSOP and ~~to build consensus on~~ develop initial advisory statements to the Task Force including: Advisory Team expectations for success, Team assumptions, and the Team's CSOP performance expectations. These statements items, which are set forth below, cover key aspects and areas of the project including: the Water Conservation Areas, the 8.5 Square Mile Area, the detention and buffer areas in the southern part of the system, Taylor Slough, Shark River Slough and Florida Bay.

The Combined Structural and Operational Plan (CSOP) Advisory Team met on April 26-27 to review and consider the adoption of member and chair amendments to the "Amendatory Text" of statements the Team had developed at its previous six meetings and adopted at its April 5-6, 2004 meeting. The Team met on June 17, 2004 and July 29-30, 2004 to build consensus through consideration of Chair amendments to the text. The statements in each section are organized in categories including: 28 statements with unanimous support; 2 statements with nearly unanimous support; and 4 statements with at least 2/3 support. Each of the four statements, includes a statement by voting stakeholder members on the nature of their concerns that led them to vote against adopting the statement, relation to the level of voting member support. Noted for each statement is the level of support as indicated by the voting members of the Team at its April, ~~and June~~ and July, 2004 meetings. ~~The appendix features statements submitted by voting stakeholder members on the nature of their concerns for statements they voted against.~~ The Team, consistent with the ~~consensus~~ decision rules it adopted at its April 5-6, 2004, decided, after review and suggestions for strengthening support, whether to adopt each of the 62 proposed voting and non-voting member amendments to the draft statements and the 11 chair amendments offered to build consensus. Pursuant to the ~~eonsensus~~ adopted decision rules, in order to become part of the text, each amendment needed to receive support from at least 2/3's of the voting members present. Of the 62 member amendments and 11 chair amendments: 16 were adopted unanimously; 6 were

adopted receiving between 2/3 and unanimous support; 36 were withdrawn; and 5 failed to receive the 2/3 support needed for incorporation into the text.

Going forward, we anticipate using this list of statements as a tool to help the Team assess, evaluate and seek consensus on future advice to be given to the Task Force regarding potential changes or refinements to the CSOP as the Corps proceeds in its Plan development process. These statements do not suggest there is consensus among the members as to whether or not the Corps will be able to meet these expectations. Instead, this list of statements represents the Team's collective ~~hopes~~ expectations as to what the CSOP needs to achieve to be successful, and that will serve as a gauge for the team to measure any gaps between these expectations and CSOP proposals developed by the Corps. This tool is designed to allow the Team to work with the Task Force and the Corps to review, debate and revise how to meet these expectations in the CSOP.

We look forward to any guidance from the Task Force as our Team continues its efforts pursuant to our charge.

OVERALL CSOP ADVISORY TEAM EXPECTATIONS FOR SUCCESS

Statements with Unanimous Support

(A) The CSOP will respond to the final consensus recommendations of the CSOP Advisory Team. *4/26/04 Vote on Amendment #2 MacVicar: 11-0*

(B) The CSOP Advisory Team, consistent with its adopted consensus guidelines, will seek consensus decisions on their package of advisory recommendations to the Task Force and preserve the opportunity for minority views to be expressed and recorded in the appendix of the final document. *4/26/04 Vote on Amendment #3 Harrison: 13-0*

(C) The CSOP, as designed and implemented, will advance Everglades Restoration and be consistent with the broader goals of CERP. *4/26/04 Vote on Amendment #4 Rice/Lorion: 13-0*

CSOP TEAM ASSUMPTIONS

Statements with Unanimous Support

- All stakeholders will be treated fairly. *4/26/04 Vote on Amendment #6 Fortin: 13-0*
- The Army Corps of Engineers will provide, clarify and quantify all data necessary for the CSOP Advisory Team to make informed decisions. *4/26/04 Vote on Amendment #9 Adornato: 12-0*
- All natural areas within the project's area of influence are important. *4/26/04 Vote on Amendment #13 Walsh: 12-0*

G. The CSOP will reduce the existing seepage problem as much as possible with MWD and C111 structures and/or operations. *7/29/04 Vote on Chair's Amendment: 11-0*

~~G~~—H Additional features for improved flood protection shall not harm the Park and shall be consistent with restoration of natural water flows. *4/26/04 Vote on Amendment #32 Guerra: 13-0*

~~H~~—I. The CSOP will provide access to levee and canal ways for appropriate recreational uses consistent with the Congressionally authorized purposes of these projects and the recreational policy of the SFWMD *4/26/04 Vote on Amendment #34 Harrison: 13-0*

WCA 3A & 3B PERFORMANCE EXPECTATIONS

Statements with Unanimous Support

- (1) 1. Move towards rainfall driven natural flows and levels and move toward natural connectivity of WCA 3A 3B and NE Shark River Slough while reducing unnatural frequencies and duration of extreme high and low events. *No Amendments*
- (2) 4. Consistent with restoration goals, maintain and improve public access to and connectivity within WCA 3A and WCA 3B for current recreational and other activities which are vital to the traditional Everglades “sportsperson” culture. Emphasis should be placed on modifications to the L-67 canals. *4/26/04 Vote on Chair’s Amendment #1: 13-0*
- (3) 5. If and when CSOP induces additional flows into and through WCA 3A, WCA 3B, and Everglades National Park to improve water deliveries and provide ecological benefits, ensure that these inflows meet all applicable water quality standards. *4/26/04 Vote on Amendment#23 Rice/Lorion: 14-0*
- (4) 2. Move toward restoration of all natural habitats within WCA 3A and WCA 3B to include tree islands and ridge and slough, and strive to restore historical hydrologic/ecological connection throughout the South Florida ecosystem. *4/26/04 Vote on Amendment#15 Adornato: 13-1 No: Humble*
- (5) 6. Protect Tribal natural and trust resources vital to their traditional culture and way of life by restoring more natural water levels in WCA 3A *4/26/04 Vote on Amendment#25 Rice/Lorion: 13-1 No: Walters*

Statements with at Least 2/3 Majority Support

(6) 3. Reduce flooding impacts on nearby agricultural and urban area. Project induced flood impacts to be avoided include seepage out of WCA-3B and diversion of flow to the S. Dade conveyance system. *4/26/04 Vote on Amendment#17 Reck: 10-4 Yes: Alleman, Espino, Fisikelli, Fortin, Humble, MacVicar, Pena, Powell, Walters, Rist, No: Adornato, Lorenz/Burke, Guerra, Harrison.*

Minority statement on concerns with Expectation #3

Performance Expectation #3 refers to “flooding impacts” without indicating the cause of such impacts. Pursuant to their legal authorizations, the MWD Project and the 1996-authorized modifications to the C-111 project must mitigate flooding impacts caused by implementation of the projects themselves. The projects are not, however, required to mitigate for the impacts of any and all “seepage out of WCA 3B [or] diversion of flows to the South Dade Conveyance System,” including impacts caused by other operations of the C&SF Project. To mitigate for these unrelated impacts, the agencies must ensure that the mitigation will not compromise the authorized restoration purposes of the projects or, alternatively, seek other means of accomplishing the mitigation. In this specific context, we do support the expectation that the CSOP reduce interbasin transfers at S-331, as this should benefit the Park, other natural areas, and agricultural lands

downstream of this structure, while not negatively impacting any part of the Park or other natural areas upstream.

8.5 SQUARE MILE AREA PERFORMANCE EXPECTATIONS

Statements with Unanimous Support

- (1) 8. Consistent with the benefits of both Mod Waters and C-111 projects, the operations of S 357 and its STA will minimize seepage into L-31 N. 4/26/04 *Vote on Amendment#30 Harrison: 14-0*
- (2) 9. The CSOP will be developed so that there will be no reduction in flood protection due to project implementation east of the 8.5 SMA (between G-211 and S-331). 4/26/04 *Vote on Chair#2: 13-0*
- (3) 10. (Moved to Assumption H) 4/26/04 *Vote on Amendment#34 Harrison: 13-0*
- (4) 11. The Corps and/or SFWMD will comply with all applicable water quality standards for the water bodies receiving outflows from the 8.5 SMA. 4/26/04 *Vote on Amendment#35 Adornato: 11-0*

Statements with at Least 2/3 Majority Support

- (5) 7. The Plan will provide flood protection for the residents of the 8.5 Square Mile Area and hydrological benefits for Everglades National Park, as authorized by Congress. 6/17/04 *Chair's Amendment 9-4 Yes: Alleman, Espino, Fisikelli, Fortin, Humble, MacVicar, Pena, Powell, Rist No: Cynthia Guerra, John Adornato, Jerry Lorenz (Alternate for Tad Burke).and Richard Grosso (Alternate for Debra Harrison in the Appendix The Chair's 6/17/04 amendment was preceded by a Chair's amendment #9 on 4/27/04 (13-0) and that was preceded by two amendments that failed to secure sufficient support to Performance Expectation Statement #7: 4/26/04 Vote on Amendment # 26 Guerra (7 yes/ 7 no) 4/26/04 Vote on Amendment #27 Sculley (7 yes/ 7 no) Minority statement on concerns with Expectation #7. This Performance Expectation fails to clearly state the relevant legal authorizations. Specifically, the expectation should state that the Congressional authorization of Alternative 6D contained in the 2003 omnibus appropriations bill constitutes the Advisory Team's expectation concerning the 8.5 Square Mile Area component of the MWD Project. While all parties around the table agreed to this in principle, we could not agree to clarify the expectation statement accordingly. Without such a clarification, it is our opinion that Performance Expectation # 7 may create false perceptions about the ultimate performance of this element of the restoration project.*

DETENTION AND BUFFER AREAS IN SOUTHERN PART OF SYSTEM PERFORMANCE EXPECTATIONS

Statements with Unanimous Support

(1) 13. Performance of the buffer and detention areas is dependent on reduction of inter-basin transfers of seepage water from the Everglades, including S-331. Seepage from ENP should be returned to ENP, in the same general area from which it came.

4/27/04 Vote on Amendment #41 MacVicar: 12-0

Statements with at Least 2/3 Majority Support

(2.) 12. These project elements were designed to restore historic hydrologic conditions in the Taylor Slough and Rocky Glades while providing flood protection. It is our expectation that objectives of better flood protection for the area east of the L-31N Canal and more natural hydrology along Eastern boundary of ENP will be met in accordance with the project design.

4/27/04 Vote on Chair's Amendment #8: 8-4Yes: Alleman, Espino, Fisikelli, Fortin, Humble, MacVicar, Pena, Rist No: John Adornato, Cynthia Guerra, Jerry Lorenz (Alternate for Tad Burke) Debra Harrison).

Minority statement on concerns with Expectation #12

Similar to Performance Expectation #3, Performance Expectation #12 implies inappropriately that improved flood protection is equivalent to restoration as a legally-authorized design purpose for these projects. The overall legally-authorized purpose of the modifications to the C-111 project that the CSOP is to implement is the "restoration of the ecosystem in Taylor Slough and the eastern panhandle of ENP that were affected by construction of the flood control project in the C-111 Basin. The study also focuses on preserving the current level of flood protection for the agricultural activities in the C-111 basin." Therefore, any reference to providing flood protection should be directly linked to maintaining the existing levels of flood protection, not an unquantifiable and vague statement like "better flood protection." The expectation should also be linked to the project documents, with a statement of aspiration that further storm water management improvements could be attained if consistent with the authorized objectives.

TAYLOR SLOUGH PERFORMANCE EXPECTATIONS

Statements with Unanimous Support

(1)14.The CSOP should restore historic hydrologic conditions in the Taylor Slough and Rocky Glades basins within ENP, and will be evaluated using a combination of hydrological and ecological measures. The Corps and/or SFWMD will comply with all applicable water quality standards. *4/27/04 Vote on Amendment #45, Guerra: 11-0*

SHARK RIVER SLOUGH PERFORMANCE EXPECTATIONS

Statements with Unanimous Support

Preamble Language

D. The Modified Waters Project cannot be considered complete until the hydrological connection is restored.

E. The hydrological and ecological benefits of CSOP will be achieved without compromising public health and safety and/or flood control.

4/27/04 Vote on Chair's Amendment #3& #4: 13-0

Performance Expectations

Statements with Unanimous Support

1. 15. The CSOP will restore more natural hydrologic conditions in Shark River Slough and its downstream estuaries and will be evaluated using a combination of hydrological and ecological performance measures. The Corps and/or SFWMD will comply with all applicable water quality standards. *4/27/04 Vote on Amendment #46 Burke/Lorenz: 11-0*

2. 16. CSOP should consider whether water quality features are needed at the 356 pump station for Shark River Slough. *4/27/04 Amendments #47 and 49 withdrawn*

3. 17A. The facilities of the Airboat Association of Florida will be provided appropriate flood mitigation. *4/27/04 Chair's Amendment # 5: 13-0*

Statements with at Least 2/3 Majority Support

(4) 17. Tamiami Trail improvements must be completed, including the 3000 foot bridge and elevation of the remaining eastern segment of the road, before allowing significantly more water into Northeast Shark River Slough. This project component must be expedited and the remainder of the project components must be sequenced subject to this constraint. CSOP will analyze whether and how much water can be restored to Shark River Slough prior to full completion of the project without compromising flood protection. *4/27/04 Vote on Chair's Amendment #6: 9-4 Yes: Adornato, Burke/Lorenz, Espino, Fisikelli, Guerra, Harrison, Pena, Walters, Rist No: Alleman, Fortin, Humble, MacVicar*

FLORIDA BAY PERFORMANCE EXPECTATIONS

Statements with Unanimous Support

(1) 18. The plan should restore historic hydrologic conditions in the eastern panhandle basin of Everglades National Park by redirecting flows from C-111 basin to Taylor Slough. This will move towards appropriate salinity levels in Central and Northeast Florida Bay, while restoring historic hydrologic conditions in Taylor Slough and complying with applicable water quality standards. *4/27/04 Vote on Amendment # 57(Burke/Lorenz): 13-0*

(2) 19. The effects on Water Quality from changing flows to FL Bay, including potential nitrogen effects will be monitored. If a problem is detected, appropriate action will be taken

4/27/04 Vote on Amendment # 60 (Burke/Lorenz): 13-0

(3) 20. The CSOP will eliminate damaging freshwater flows to Manatee Bay/Barnes Sound by reducing the need for discharges from S-197. *4/27/04 Vote on Amendment # 62(Burke/Lorenz): 12-0*

(4) 21. The C-111 N spreader canal will be constructed, as per the C-111 1994 GRR, as soon as possible. *4/27/04 Vote on Chair's Amendment # 3: 12-0*