



**Minutes**  
**WATER RESOURCES ADVISORY COMMISSION**  
**Monthly Meeting**  
 June 05, 2014, 9:00 AM  
 District Headquarters - B-1 Auditorium  
 3301 Gun Club Road  
 West Palm Beach, FL 33406

**1. Roll Call**

Name	Title	Absent/Present
James J. Moran	Chairman	Present
Kevin Powers	Vice-Chairman	Present
Albrey Arrington	Utility	Absent
Bud Howard	Alternate for Albrey Arrington	Absent
Lance Bennett	Business	Absent
Jamie Poulos	Alternate for Lance Bennett	Absent
Doug Bournique	Agriculture	Present
Bob Ulevich	Alternate for Doug Bournique	Present
Joe Capra	Business	Present
Jacqui Thurlow-Lippisch	Alternate for Joe Capra	Present
Chuck Collins	FWC / Statewide	Absent
Don Fox	Alternate for Chuck Collins	Present
Mike Collins	Public Interest	Present
Newton Cook	Public Interest	Present
Mark Dombroski	Alternate for Newton Cook	Absent
Erin Deady	Environmental	Present
James Erskine	Miccosukee Tribe	Present
Adam Gelber	Public Interest	Present
Jane Graham	Environmental	Present
Caroline McLaughlin	Alternate for Jane Graham	Present
LTC Tom Greco	USACE	Present
Michael Harford	Local Government	Absent
Kimberly Lawrence	Alternate for Michael Harford	Present
James Humble	Agriculture	Present
Medora Krome	Alternate for James Humble	Absent
Kristin Jacobs	Local Government	Absent
Jason Liechty	Alternate for Kristin Jacobs	Present
Bill Johnson	Utility	Present
Doug Yoder	Alternate for Bill Johnson	Absent

George Jones	Public Interest	Present
Tom Jones	Agriculture	Absent
Joshua Kellam	Business	Present
William “Chad” Kennedy	FDEP	Present
Pamela Keyes	Utility	Absent
Kurt Harclerode	Alternate for Pam Keyes	Present
John Lamkin	NOAA / Federal	Absent
Samantha Whitcraft	Alternate for John Lamkin	Absent
Joan Lawrence	US DOI / Federal	Present
Shannon Estenoz	US DOI / Federal	Absent
John Lesman	Business	Absent
Mary Ann Martin	Public Interest	Present
Ashley Tripp	Alternate for Mary Ann Martin	Absent
Barbara Miedema	Agriculture	Present
Jeff Ward	Alternate for Barbara Miedema	Absent
Neale Montgomery	Business	Present
Jenny Conner Nelms	Environmental	Present
Nancy Payton	Environmental	Present
Mark Perry	Environmental	Present
Vincent Encomio	Alternate for Mark Perry	Absent
Harry Raucher	Utility	Present
Pat Martin	Alternate for Harry Raucher	Present
Jim Reynolds	Utility	Present
Harry Cronin	Alternate for Jim Reynolds	Absent
Jeff Schmidt	NRCS / Federal	Present
Maelo Reyes	Alternate for Jeff Schmidt	Absent
W. Ray Scott	FDACS / Statewide	Present
Rich Budell	Alternate for W. Ray Scott	Absent
Wovoka Tommie	Seminole Tribe	Absent
Stacy Myers	Alternate for Wovoka Tommie	Present
Karson Turner	Local Government	Absent
Shelley Vana	Local Government	Present
Bevin Beaudet	Alternate for Shelley Vana	Absent
Malcolm “Bubba” Wade	Agriculture	Present
Linda McCarthy	Alternate for Bubba Wade	Present
Brian Wheeler	Utility	Present
Mike Sweeney	Alternate for Brian Wheeler	Present

## 2. Call to Order - James J. Moran, WRAC Chairman

Mr. Moran called the meeting to order at 9:01am, followed by and introduction to new WRAC member Bill Johnson. Mr. Moran announced that the November 6<sup>th</sup> WRAC meeting will be held in Okeechobee County at the OK Corral Gun Club.

Blake Guillory, South Florida Water Management District (District) Executive Director, introduced new interim General Counsel, Ed Artau.

### 3. WRAC Member Issues

Bill Johnson, Miami-Dade Water Sewer, introduced himself to the group and provided remarks concerning his career background.

Newton Cook, United Waterfowlers, announced the upcoming WRAC Rec meeting taking place on June 16<sup>th</sup> at District headquarters. Mr. Cook announced that the United Waterfowlers are planning their Annual Waterfowl Summit in Ocala at the Hilton on August 15, 2014. The event is free of charge and includes lunch. Mr. Cook discussed a recent Trust meeting he attended comprised of sportsmen's groups, other stakeholders, National Wildlife Refuge Association, FWC, and the US National Wildlife Service. The group's mission is to protect public property for recreational use. Mr. Cook announced that despite the problems with Big Cypress and the addition land and the numerous lawsuits, the project is still on track. The 150,000-acre refuge currently in the works may be in jeopardy due to a number of lawsuits. Mr. Cook stated that the fee-simple purchase of the Hatchinehaw Ranch is moving forward nicely and he thanked the Nature Conservancy for their assistance. Mr. Cook continued that federal land acquisition can be problematic if the goal is to restrict public access to federally purchased lands.

Mike Collins, Florida Keys Fishing Guides Association, stated that historically there has been a dynamic tension within federal agencies. Mr. Collins stated that there are concerns regarding budget cuts and how they affect public access at the National Park given that two Everglades National Park camp grounds were closed to public access all winter. Mr. Collins spoke about the public's concern about not being able to access public lands. He said that public discord could be conveyed back to the legislature and Congress making it difficult to continue restoration progress.

Kurt Harclerode, Lee County Division of Natural Resources, stated that Lee county and partner agencies, such as the District, and municipalities will be joining together to promote proper fertilizer use through a mass media campaign. Mr. Harclerode stated that source control is extremely important to Lee County and they are working to do what they can in their own backyards to help with the problem.

Adam Gelber, Atkins North America, Inc., stated that a culmination of access issues exists in the Dry Tortugas, Big Cypress, Biscayne Bay and the Everglades and should be discussed comprehensively.

Joshua Kellam, The ESG Companies, thanked staff for preparing the day's agenda so quickly as it was based on items brought up at the last meeting.

Shannon Estenoz, Department of Interior, stated that she is the Director of Everglades Restoration Initiatives to the extent that park management, land management and access issues are matters of concern to the body. Ms. Estenoz suggested that the National Park Service or the Fish and Wildlife Service be invited to come and present on the Headwaters Refuge or others areas of concern to the WRAC.

Jane Graham, Audubon Florida, stated that she was glad the Water Resources Reform and Development Act (WRRDA) passed after seven years and the projects are great with the exception of the 902 fixes proposed for Picayune Strand did not make the bill. Ms. Graham stated that Audubon would work with the USACE and other DC officials to try and push that through due to the importance of the project.

Jeff Schmidt, Natural Resources Conservation Service, announced that the USDA/NRCS Program Leader for the Everglades Initiative wants to come to south Florida to visit the Everglades and evaluate the efficacy of its cost-share funding program.

Joe Capra, CAPTEC Engineering, Inc., said that the Stuart News reported on a couple of topics on which he would like to receive WRAC or District feedback or clarification on the status of the backpumping permitting, and the status of the Chief's Report on the Central Everglades Planning Project (CEPP).

Neale Montgomery, Pavese Law Firm, asked if there was truth to the rumor that the state authorized \$18M for the C-43 and the federal government authorized an additional \$500M. Staff responded that there is truth to that and that some progress could be made in the coming year.

Mary Ann Martin, Roland Martin Marina, stated that she would like the Governing Board to establish a tactical plan so when conditions are favorable a burn could be implemented on Lake Okeechobee (Lake). Ms. Martin said that failure to plan for a burn could mean missing an opportunity to do so, if delays were encountered due to lack of planning ahead. Don Fox, Fish and Wildlife Commission, stated that their agency just burned 4,600 acres. Mr. Fox continued that the Lake Okeechobee WRAC developed a Prescribed Burn Management Plan that remains in draft form and could be updated for future use. Mr. Collins responded that the Forest Service may have been responsible to approve the final document. A conversation ensued regarding the status of the document and who is responsible for final approval.

Mark Perry, Florida Oceanographic Society, said that the Lake's current level is 12.4 with a little water being delivered to the Caloosahatchee in the beneficial use zone. Mr. Perry reported on the salinities in the St. Lucie estuary which are currently showing good conditions for oysters and seagrass. Mr. Perry said that there are still 131 cfs or 85M gpd of water being released from the Gordy road structure into the North Fork. He hopes that discussions will continue between the District and the USACE regarding operating the Ten Mile Creek structure as a means to provide some relief. Mr. Perry asked about Part 3 of the Everglades Restoration Project Prioritization exercise and what the next steps are in relation to completing the task. Mr. Perry agreed with Ms. Graham regarding the passage of WRRDA and the authorization of the four CERP Projects within the bill. He understood there to be language that allows the state to work on parts of CEPP and would like WRAC to discuss these issues. Mr. Perry announced that June is National Ocean Month with World Ocean Day on Saturday June 8<sup>th</sup> and made materials available for interested members.

LTC Greco, United States Army Corps of Engineers (USACE), stated that in relation to CEPP the USACE is in the process of coordinating and finalizing responses to comments and making minor changes within the report. The LTC referred to Ms. Kim Taplin to discuss the timeline. (Ms. Taplin's remarks inaudible) LTC Greco stated that the next steps were the state and agency review.

Chad Kennedy, Florida Department of Environmental Protection (FDEP), stated that the Governor and Cabinet approved the final order for Florida Power and Light's (FPL) Turkey Point Units 6 and 7 Power Plant Siting.

**4. Overview of Phosphorus Limits for Everglades National Park - Temperince Morgan, Division Director, Everglades Policy and Coordination, SFWMD**

Temperince Morgan led WRAC members through the history of established water quality standards and the institution of Appendix A.

### WRAC Member Comment

Newton Cook noted that during the dry season when the Park needs water, the presented graph indicates that the Park will take the water it can get at 12ppb phosphorus, and during the time the Park does not need any water but water is flowing through the system, the phosphorus requirement changes to 7ppb. Mr. Cook continued that during the dry season there is time to treat the water using Stormwater Treatment Areas (STAs), Water Conservation Areas (WCAs) and other means to get the concentration down to 10ppb but when the water level is high within the system the S12s close to protect the Seaside Sparrow, the WCAs back up with water. Mr. Cook stated that water is pouring in from the Lake at 100ppb or whatever the number is into the STAs and the requirements for the Park are lower than 10ppb causing water managers to have to stack the system back all the way up to the Lake then send discharges to the estuaries because water is not able to move through the system, south of the trail during the time it needs to be moved because water cannot be held long enough to treat it to required concentration levels of 7ppb. Mr. Cook opined that the system is built to fail and 300,000 acres of prime Everglades marsh is ruined every year because the S12s are closed during the wet season and water is being held back.

Joshua Kellam asked what happens if we fail. Ms. Morgan said that if limits are mathematically exceeded, information is brought back to the Technical Oversight Committee (TOC) who can determine if there was an error due to sampling or extraordinary natural phenomenon. Ms. Morgan continued that if the TOC determines that the exceedance is not the result of sampling error or natural phenomenon, then discussions are held and there may be a determination that additional projects or remedies are necessary.

Bubba Wade, US Sugar Corporation, suggested that there needs to be another part of the presentation that actually shows the numbers (data) during the period of record, for instance what were the concentrations in WCAs, the Park and everywhere else. Mr. Wade stated that he was at the hearing in 1994 when FIU's Ron Jones testified before the Senate and House as to what the standards should be and by claiming that "everybody knows that if you go down and test deep in the Everglades in Shark River Slough that the background phosphorus is 10ppb," and from that point in time the 10ppb criteria became a default standard in the Act while the science was being conducted to determine the true standard. Mr. Wade continued that ten years later the scientific standard became 10ppb. Mr. Wade suggested that the science that went into determining the original numeric criteria should be questioned and a review is needed on the samples that are being taken and from where. Mr. Wade noted that monitoring at the shore of Everglades features such as the Park and WCAs provides an inaccurate accounting of the numeric data (showing exceedances) and that monitoring further into the water body would provide numeric data closer to or less than the required measurements. Mr. Wade contended that the end-of-pipe measurement concept is unreasonable and there is a need to revisit Appendix A and Appendix B. Mr. Wade asked how much more funding would be spent on trying to reach 10ppb at the border of the Everglades. Mr. Wade asked Ms. Morgan if he were within reason to state that phosphorus concentrations go down as measurements move away from the shore. Ms. Morgan responded that generally concentrations tend to go down as you go through the marsh and generally concentrations in Taylor Slough have been about 5ppb or 6ppb and generally in Shark River Slough, 7ppb to 9ppb with fractions in the last several years. Ms. Morgan offered to come

back and drill down into the data to show a graphic so WRAC can see the range and how the numbers vary from wet year to dry year. Mr. Moran clarified Mr. Wade's comments by asking if Mr. Wade was attesting that if the test sites were moved a bit south the data would show that we would already be in compliance. Mr. Wade answered that it will eventually have to accept that the first mile or two along the border that is currently testing between about 10ppb and 20ppb will remain at those concentration levels even with all of the added construction projects and proposed remedies and that further into the WCAs and the Park phosphorus limits are being met and that the end-of-pipe measurement concept will have to be compared with somewhere that is acceptable below the pipe.

Mike Collins stated that for a lot of years when he was on the Governing Board and struggling with how to get water to Florida Bay, he realized the difference between what could be achieved versus what could not be achieved and the reason impossible goals are trying to be met is the USA lawsuit. Mr. Collins said if we were to operate under the Clean Water Act there is a way to do a mixing zone that complies with the Clean Water Act and meets the non-degradation standard that allows moving forward. Mr. Collins added that he has been convinced that the conflict is not about the resource but about control needs of parts of the federal government bureaucracy. Mr. Collins stated that there is growing evidence that cattail infestation is increasing in the WCAs, not because of nutrients, but because of oxidation because there isn't enough water to keep the soil hydrated. Mr. Collins stated that there is a legitimate question regarding the resource, whether it is better for the Park and remnant Everglades to look at benefits and productivity of current restoration initiatives. Mr. Collins noted that twenty years ago scientists sought to evaluate the best way to keep the Everglades alive through finding the best balance to maintain a productive habitat for flora and fauna as opposed to today's efforts of trying to tie the health of the Everglades to a numeric standard. Mr. Collins asked if the goal of Everglades Restoration is a number or if it is function. Mr. Collins stated that as long as the USA lawsuit continues the goal would be a number and not the function of the Everglades. Mr. Collins said that the Everglades does not function properly right now because an unachievable, statutory goal is being sought rather than resource protection.

Adam Gelber stated that the Everglades system is not stagnant or flat rather has peaks and valleys through which it evolves and changes and increases in habitat.

Blake Guillory reiterated the reason for the presentation was to provide an education to the new WRAC members so that when additional presentations are discussed everyone has the correct information.

Joe Capra commented that restoration projects should continue to move forward. Mr. Capra stated that the state determined water quality standard at 10ppb appears to be achievable as long as restoration projects are carefully designed to meet those standards. Mr. Capra considered Mr. Wade's concern with monitoring placement and testing methods and suggested that numeric nutrient criteria does not need to be adjusted.

Mike Collins stated that no one has studied the trade-off between meeting 10ppb nutrient criteria standards compared to harm caused by not supplying enough water to the Everglades. Mr. Collins noted that due to the USA lawsuit the 10ppb standard is an absolute that allows no room for balancing the true needs of the Everglades. Mr. Collins said the Clean Water Act allows for those types of comparisons and consequent adjustments. Mr. Collins continued that restoration projects need to be built, however, there are a number of natural factors, such as birds, that affect the quality of water in the Everglades that are not controllable, and to ignore those inputs in order

to meet criteria set in a lawsuit is not the right thing to do if the goal is to truly restore the resource.

Mark Perry agreed that additional elements need to be brought in to the discussion, particularly Restoration Strategies that had to be mandated to try to achieve those other goals. Mr. Perry questioned how flows from Tamiami Trail 1-Mile and 2.6-Mile Next Steps would affect the nutrient criteria and also the Combined Structural and Operational Plan (CSOP), the operational plan for the S-12 structures. Mr. Perry said that having an understanding of these three components would help as future discussions are held.

Shannon Estenoz, US Department of the Interior, responded to Mr. Capra that DOI is open to hearing alternative compliance methodology to the extent that the state of Florida or the South Florida Water Management District wants to present them. Ms. Estenoz noted that DOI has publicly stated that the conversation is welcome. Ms. Estenoz stated that if there is an alternative method that is as protective as the current methodology remains to be seen. Ms. Estenoz continued that an alternative methodology would have to meet the legal test for changing a federal consent decree which is a non-technical conversation that would have to take place. Ms. Estenoz said that with respect to remedies, Mr. Capra makes an important point that for a decade water quality has hovered around the long-term limits established for the Park. Ms. Estenoz asked how many times the TOC has documented an exceedance or violation of the long-term limits. Ms. Morgan replied that the TOC noted two instances since the long-term limits went into effect in 2007 where numerically the number was above the limit. Ms. Estenoz said the first was excused due to a sampling error and the second was the 2012 event that all are familiar with but both have been resolved. Ms. Estenoz stated that the TOC resolved those issues recognizes that there were remedies in place and are under construction and those remedies are expected to further improve water quality throughout the system. Ms. Estenoz pointed out that if an alternative was needed, DOI is open to hearing those ideas and stated that whether or not the current methodology is broken is a separate question and is happy to hear technical or mathematical arguments regarding the issue and not personal opinions. Ms. Estenoz stated that DOI has been on the record for the past couple of years since the negotiation of the Gold case and the introduction of Restoration Strategies that the remedies proposed by the state are fully expected to improve water quality even further throughout the system, including in Everglades National Park.

Shelley Vana, Palm Beach County Board of County Commissioners, asked how the legislative process relates to the established water quality standards and if it was time to review the methods and return to the legislature. Ms. Morgan responded that the Everglades Forever Act is the law containing provisions of the water quality standards established in the state and has been modified to incorporate decisions from both the USA and Gold cases including the most recent Restoration Strategies component and legislative funding commitments. Commissioner Vana commented on the complexity of arriving at the established limits and questioned the complexity of having to revisit all of the methods currently in place due to the interconnectivity of the system. Mr. Cook said that the water quality limits should be flipped to reflect 7.6ppb in the dry season and 12.2ppb in the wet season which would resolve some of the issue.

Mike Collins stated that Ms. Estenoz is correct in saying that DOI is able to review alternative methodologies for evaluation within the existing structure. Mr. Collins said the problem lies within the existing structure which determined a violation for the first documented exceedance at only half a part per billion over the limit and was measured following five hurricanes, three which moved directly over the refuge, within a two-year time span. Mr. Collins said the second

exceedance was one tenth of one part per billion which is equivalent to one human being added to the population of the entire world. Mr. Collins said that he is not questioning DOI or their capability but the criteria. Mr. Collins stated that the second exceedance resulted in \$800M worth of new projects to be constructed and questioned whether it would be better for the Everglades to try to recover the one tenth of one part per billion that caused the exceedance or use the \$800M to increase water storage. Mr. Collins said that the question can't be asked right now and that is why continuing under the lawsuit will lead to the degradation of the Everglades because there is no flexibility allowed or accepted by the litigants in the lawsuit that's why resource management by litigation is not something to be believed in.

Shannon Estenoz responded to Commissioner Vana by stating that in order to make a direct connection between regulatory releases to the Northern estuaries and Appendix A is a big stretch because there are a number of barriers including physical infrastructure barriers to moving water out of the conservation areas and into Everglades National Park. Ms. Estenoz continued that DOI is trying to resolve the biggest of the barriers, one being flood risk reduction to south Dade agriculture, that Modified Waters and Contract 8 of C-111 goes a long way towards fixing. Ms. Estenoz stated that from DOI's perspective, alternatives are welcome for discussion and evaluation but drawing a line between the Northern estuaries and Appendix A does not do justice to the complexity of the problem of moving water from WCA to the Park and also stated it is not fair to the stakeholders or public to not spend the time to discuss the complexities because both are needed to help solve the problem and get projects like Mod Waters and Contract 8 up and running.

Blake Guillory reminded WRAC members that this presentation was to provide an education so that all members had a basis for future discussion. Mr. Guillory commented that the \$880M was to add additional measures to clean the current amount of water being sent south and nothing to do with sending more water south. Mr. Guillory stated that CEPP contains provisions for sending another 200,000 acre-ft south and components that will clean the additional volume to be sent south, so when thinking about sending more water south the water must first be cleaned. Mr. Guillory recognized the need for water in Everglades National Park and the importance of using adaptive management to continuously analyze data and the processes in place to meet requirements.

James Erskine, Miccosukee Tribe of Indians, stated that Appendix A was written with the intention that Everglades Restoration would progress and there would be additional water brought into the system. Mr. Erskine said that it is untrue to say that the estuaries are taking the hit because of a 10ppb water quality standard in the southern end of the system. Mr. Erskine said that the District has the management capacity within the stormwater treatment areas to maintain a high volume and since the STAs are expanding the conversation will shift from a focus on 10ppb to a discussion on the total amount of available storage in the system. Mr. Erskine commented that as a discussion continues regarding investing energy, funding, and science into new monitoring equations or new points to monitor, any scientific exploration should not be discredited or not undertaken, however, a solid number, a solid restoration target, and a solid restoration volume has already been established so progress should move forward with the knowledge of the hard constraints that also exist in other areas of managing the system such as flood control.

Bubba Wade said that based on the original 1988 lawsuit that resulted in mediation in all of 1993 leading to legislation in 1994 that was crafted with input from over 20 parties primarily the District, FDEP and the federal agencies and approved. Mr. Wade stated that there was an

understanding that the legislation would resolve the court issues and settle the lawsuit, but immediately after the bill was enacted the federal agencies went back into court and said that the law was fine with only a few items that still raised concerns so the federal agencies did not want to drop the lawsuit. Mr. Wade continued that we were in a federal court under the Clean Water Act with federal consent decrees on the District and the state. Mr. Wade stated that even though DOI claims to be open to hearing new methodologies and although the District and the federal agencies work closely together through negotiations on items such as new plans like Restoration Strategies amending Appendix A or B, it appears to be extremely difficult for federal agencies to agree to the release of the consent decrees and the legislature cannot act because the federal court guides the lawsuit. Mr. Wade stated that unless the agencies and the state can agree with the federal agencies on what the plan is, the legislature has no say because any state legislation would be back before a federal court.

Shannon Estenoz clarified that the negotiation on Restoration Strategies was in a different federal court and since the parties were able to come to agreement, present the negotiated plan to Judge Gold the legislature was then able to follow and fund Restoration Strategies. Ms. Estenoz pointed out that there was no federal consent decree associated with the Gold case even though there are state orders now. Ms. Estenoz stated that the Moreno court differs in that there is a federal consent order and it is not enough for the parties to agree since there is a federal legal standard that has to be met to change a federal consent decree. Ms. Estenoz continued that even if the parties agree that there is a better way to protect the Everglades, the plan would have to satisfy legal mechanisms in order to reach the Judge and since the authority in the decree lies with the Judge, he is the only one who can decide to change it. Mr. Collins responded that he thinks there is a good chance that the Judge would release the decree if the parties did come to court with a negotiated agreement. Mr. Collins referred to the Use Attainability Analysis that is a provision of the Clean Water Act that looks at whether the current methods being used to meet target criteria are achievable and there is a point where it can be decided that everything within the possibility of science and physical construction has been implemented. Mr. Collins said that at some point this current process will reach that point and there will need to be an analysis whether it is based on the law or based on the resource. Mr. Collins stated that when the agreement was reached years ago, it was under the assumption that there would be a need for additional STAs, new scientific models and the TOC would do an objective ongoing analysis of the approach and monitor and discuss whether or not there were violations, however the TOC is operating in the same manner as it did years ago. Mr. Collins contended that sometime during the process there needs to be an analysis of the resource and whether or not the right combination of remedies is properly aligned with protecting and restoring the Everglades as intended.

Mr. Moran expressed the importance of the discussion related to system restoration and the cost to tax payers who initially invested \$2B and recently another \$880M. Mr. Moran asked if Appendix A was designed to anticipate the additional flows that would be a result of Contract 8 completion. Ms. Morgan stated that the additional flows to the Park would become part of the equation and cause the phosphorus limits to go down which is part of the dialogue that has been taking place between agencies as to permitting, requirements and other factors. Mr. Moran continued that although completing Contract 8 will not resolve the entire estuary issue and moving water south, it will serve as one of the pieces of the puzzle. Ms. Morgan noted the many constraints related to moving water south and the reality that it may never be possible to move all of the water being discharged to the estuaries south to the Park in a beneficial way. She also noted that there is a clear relationship between completing Contract 8 and the ability to move more water south.

## Public Comment

Martha Musgrove, Florida Wildlife Federation, said that she has been involved in this dispute since the 1980s when the lawsuit was originally filed and it is important to recognize that there are two lawsuits and the significance of each. Ms. Musgrove stated that the 1988 lawsuit led to the consent decree and subsequent formation of the TOC which is the proper entity to review compliance of the case. Ms. Musgrove stated that the record the TOC has produced over the years along with sampling and analysis methods have been consistent and shows that the standard can be met. Ms. Musgrove stated that the assimilative capacity of Water Conservation Area 3 and the general reluctance of the environmental community to use any of WCA 3 as a mixing zone were not considered by the WRAC today. Ms. Musgrove stated that stakeholders need to avoid exaggerating the problem and work toward the end. Ms. Musgrove contended that it is not a case of feds vs. state, and the permits required for releasing water are always going to be a bit of burden, but the District is on the right track and needs to look at the assimilative capacity of each feature currently being used to clean water and keep a clear record of that in addition to the sampling results and ask the judge to instruct the TOC to assist with devising a methodology that allows for increased flows of water within the legal structure.

Drew Martin, Sierra Club, commented that the Sierra Club wants to see the return of sheet flow which they feel will correct a lot of the problem and ultimately CEPP is a good first-step and believes that the rulings of both cases provide important standards that are protective of Everglades National Park. Mr. Martin said it is important to continue to follow the established methodology as it has kept the Park from being inundated with polluted water which is the reason the lawsuit was filed. Mr. Martin continued that a lot of progress has been made, however, water that meets the water quality standards and is being held in WCAs should be released to the Park but cannot due to operational constraints. Mr. Martin stated that he believes that continuing to move forward with CEPP will eventually lead to all of the waters that are being released to the estuaries will be able to move south.

Tom MacVicar, Agriculture Representative, stated that a fear he has is because the situation appears to be complex, people will give up searching for a way out, especially young people working in the field who may get discouraged and move on. Mr. MacVicar provided a background of Appendix A and the inception of Modified Water Deliveries projects from his perspective including the proposed sheet flows through WCA3B. Mr. MacVicar stated that Restoration Strategies is a status quo project and the struggle with Mod Waters is an effort to go beyond the status quo. Mr. MacVicar said that the status quo in south Dade is the continuous flooding because projects that have been authorized and on the books and facilities that have been in the ground for twelve years cannot be operated. Mr. MacVicar continued that agriculture's status quo is a half-built project that continues to cause flooding and everything that was discussed at today's meeting is a mountain that must be climbed to get over the status quo. Mr. MacVicar said that whatever the barriers to coming to agreement and moving forward, the process is broken and the Park, south Dade agriculture, and taxpayers are being hurt by it.

### **5. Lake Okeechobee Regulation Schedule; Middle and Upper Subband Flexibility - Jeff Kivett, Division Director, Operations, Engineering and Construction, SFWMD**

Jeff Kivett initiated a discussion on Lake Okeechobee Middle and Upper Subband Flexibility as part of the Lake Okeechobee Regulation Schedule (LORS).

## WRAC Comment

Mike Collins asked what would be viewed differently opposed to what is currently being analyzed by District staff and reported as recommendations to the USACE and what benefits or expectations would come out of additional studies on the middle and upper subbands. Mr. Collins stated that unrealistic expectations such as those held by the public in regards to excess water in the estuaries eventually moving into Everglades National Park could be created by initiating this effort. Mr. Collins stated that he's unsure of what could be added to the existing process that would affect the current Lake operations. Mr. Kivett replied that there are small tweaks that could be discovered in the modeling that would aid staff in providing better guidance to the USACE. In addition to concerns about public expectations, Mr. Collins asserted that he is not sure that the concept of make-up water exists anywhere in the actual Northern Everglades and Estuary Protection Program (NEEP) analysis.

Joan Lawrence, US Department of Interior, stated that it sounds like the plan is to fine tune operations within the scope of LORS. Ms. Lawrence asked about the make-up of the stakeholder group being assembled for the proposed process. Mr. Kivett responded that the process would be open with the public but be comprised of a small very technical group that would run modeling and engineering analyses and perform some scientific analysis of those runs and report back these technical findings to the WRAC to then undergo a policy discussion. Ms. Lawrence stated that she reviewed the section on make-up water and is also not aware of when or how it has been used.

Jane Graham stated that in concert with today's discussion she would like to provide members with a document about lake levels and the health of Lake Okeechobee. Ms. Graham invited members to go visit the northwest region of Lake Okeechobee to see an expansive marsh containing an abundance of wildlife and passed out a new document produced by Audubon FL. Ms. Graham said that Mr. Kivett's proposal contained short-term, limited operational tweaks, but the focus needs to remain on the big picture because that is what will make the difference.

LTC Greco stated that LORS is a good document and currently the best document to deal with the current situation. LTC Greco continued that although the USACE did not ask the District to undergo this additional effort, it makes sense from a pragmatic standpoint since the questions being asked by Mr. Kivett are questions that are asked every year and if there is a way to expand the knowledge associated with how LORS operates then it should be explored. LTC Greco said that there is a tremendous amount of flexibility in LORS and this past year, being extremely wet, is evidence of that. LTC Greco asserted that flexibility was used in reaching the "up to" limits during times of this really wet year and again when the USACE decided not to exercise its ability to go to the "up to" limits between May 8<sup>th</sup> and June 25<sup>th</sup>. The LTC stated that using this flexibility even through the dry season has served many stakeholder interests for the ecosystem and people around the Lake effectively. LTC Greco reiterated the amount of flexibility already contained within the document and asked that WRAC members and the general public realize that the USACE makes the final decisions regarding releases, stands behind each decision and wants to use LORS to the maximum extent possible for whatever has been authorized to be done. LTC Greco said that make-up water is addressed within a provision of the document but there was a tremendous amount of disagreement on how it was to be implemented. LTC Greco underscored that make-up water, in particular, despite what the chart may say, there are provisions in LORS for additional operational flexibility, low-volume releases to manage stages and to manage benefits or other project purposes – whether for the environment or water supply. LTC Greco said that even though LORS is a good document containing flexibility there may be

some useful information at the margins that could be gained by the proposed analysis. LTC Greco concluded that expectation management is very important when undergoing this type of exercise although it will not change what this past summer looked like. LTC Greco stated that the key is to take advantage of the existing infrastructure, finish projects, and get water to go where it should, and keep water from going where it should not.

Newton Cook added that although he did not have any concerns with forming a staff technical team to investigate potential improvements to operating under LORS, there is a concern with adding stakeholder participants. Mr. Cook contended that if stakeholders are chosen, the structure of the Lake Okeechobee WRAC should be used and its participants such as himself, Mary Ann Martin, Don Fox and others that were members, should be called upon to participate due to his concern with others altering LORS without having the original stakeholders involved.

Neale Montgomery asked since 24 miles of the Herbert Hoover Dike have been repaired, does that change the underlying assumptions in LORS and questioned make-up water in regards to the previous concerns of other WRAC members. Mr. Kivett responded that the USACE is in the middle of a dam modification study with a report due to come out next summer and its subsequent recommendations. Mr. Kivett clarified that the effort being discussed is not intended to change the regulation schedule in any way, however, he believes that within LORS the ability exists to use make-up water as there are parameters within the modeling that allude to the use of make-up water and others that do not, resulting in continuing discussion between the District and USACE staff to come to agreement on an interpretation of the intended use of make-up water as provided in LORS which would become a part of the proposed analysis. LTC Greco reasserted that the flexibility built into the LORS document contains a mechanism that exists to deal with situations that were not envisioned by LORS, whether it is releases to estuaries or lowering Lake stages, or any number of unforeseen occurrences that could take place during the season. LTC Greco stated that make-up releases in particular are designed and intended to bank water at times when you cannot otherwise send it downstream due to system constraints – whether structural, estuary condition, or any other constraint – with the presumption that the water will be released at a point when the constraint no longer exists. LTC Greco continued that implementation is the source of the controversy this past year and LORS contains the flexibility to deal with such issues.

Mary Ann Martin reminded WRAC members of the tragedy that occurred during high waters when the Lake was almost lost. Ms. Martin stated that all need to learn from mistakes and not let them happen again. Ms. Martin contended that during the summer the Lake needs to be kept at low levels due to the uncertainty of the weather. Ms. Martin said that if storm systems move in and water is flowing into the Lake from the Kissimmee River, the Lake fills up fast and is not meant to be a deep water Lake.

Kurt Harclerode said that Lee County supports going along with the proposed analysis and would like to participate. Mr. Harclerode emphasized the past dry season was uncharacteristically wet and the USACE used the operational flexibility to provide needed environmental releases to the Caloosahatchee that had no adverse impact on any other user group which was a good decision. Mr. Harclerode agreed that there is a need to more clearly define the parameters of the use of make-up water which the proposed process is designed to do and hopes that the constraints are not so tight that Adaptive Protocols (AP) are left unconsidered when AP are meant to be adaptive. Mr. Harclerode said that this past spring is an example of when AP was presented to the Governing Board and, according to the Protocol, no releases were to be made to the Caloosahatchee even though there was no threat of a water shortage and the USACE

stepped in and was able to use the operational flexibility in LORS to continue environmental releases to the Caloosahatchee. Mr. Harclerode said that even though District technical staff agreed with the environmental releases, AP's rigid language kept staff from recommending that the Governing Board continue the releases and created a false conflict between District staff and the USACE. Mr. Harclerode thinks that an analysis as proposed is a good step and hopes that the proposed process would not be so tight that it would not allow movement toward a logical, common-sense manner. Mr. Harclerode stated that Lee County understands that nothing could have been done to prevent last year's high flows in the Caloosahatchee but low flows are believed to be more beneficial without adversely impacting other users. Mr. Harclerode stated that Lee looks forward to moving forward with the process and will assist in any effort put forth.

Mike Collins stated the reason that the AP did not call for releases is that they take a multi-year approach with a certain amount of caution regarding potential impacts to water supply in out-years, not just one year. Mr. Collins said that if the AP were going to be opened up, it cannot take place within a small group. Mr. Collins continued that the AP were drawn up within a balance that existed among multiple users over multiple years. Mr. Collins said that if you break up AP into small sections there may be areas found that can be slightly changed, however the program should be looked at from a big picture point of view. Mr. Collins said that there is a myth that exists that the system has been operated improperly for the last fifty years which is not true. Mr. Collins stated that the system is likely the finest flood protection and water supply system that exists in the world and there are necessary tweaks, there are projects that can be built to buffer some of the impacts to the estuaries and those projects cannot be eliminated, but stakeholders collectively must stop disseminating the idea that if waters are free to flow to Everglades National Park or if a couple of projects are built that all of the negative impacts from water releases go away. Mr. Collins reiterated the need to manage expectations and stated that there are consequences to be paid for the level of flood protection, water supply and environmental benefits that are located within the system which must be balanced. Mr. Collins agreed with LTC Greco that there is flexibility built within LORS to accomplish these goals, but if WRAC or the Governing Board decides to move forward with forming a subcommittee, there needs to be very specific parameters laid out because it will be hard for him to go along with tweaks to AP or LORS that are decided by a small group instead of balanced stakeholder input.

Mark Perry agreed with looking at some of the protocols, especially within the flexibility that is already in LORS and has been demonstrated in the past such as the make-up releases that were done in November of 2013, although there is controversy surrounding how those are used or calculated. Mr. Perry understood that the proposed plan as presented would be consistent with the scope of LORS 2008 as well as consider water supply and flood protection components and would move forward with an investigation of "can we be more flexible" in the upper bands to help work with the USACE and the operation schedule in order to allow water to be more flexibly moved throughout the system so that there will possibly be some long-term effects to releases in the future. Mr. Perry continued that he did not believe that there is any harm in going forward but realizes there will be a lot of discussion that would take a lot of time, however there is flexibility in the schedule which requires the District and the USACE to work together to manage the system. Mr. Perry said that both Part C for Water Conservation Areas and Part D for the estuaries, should be considered in making decisions about where to move excess water in the system.

Mr. Moran stated that forming a technical subcommittee was an idea he just learned about and his first inclination is not to recommend moving forward and asked staff to provide additional information and give him time to reflect on the idea.

## Public Comment

Martha Musgrove stated that she has an interest in the formation of a technical subcommittee particularly in regards to the review of flexibility within the beneficial use operational band. Ms. Musgrove stated that this band is where the six-inch-in-May fight usually occurs which is a conflict that is not reflected in the decision tree. Ms. Musgrove said that the problem usually arises in the low period between the decision tree and the steps that are taken that force a decision that cuts off water to the Caloosahatchee creating a serious problem in the Caloosahatchee which is not reflected in the actual band. Ms. Musgrove said that LORS, during its formation, was characterized publicly as possessing uses available to the environment during the entire beneficial use band, but when it was put into operation with the decision tree it was operated more like the Water Supply and Environmental Regulation Schedule. Ms. Musgrove stated that she did not have a solution to the top level and is aware of the constraints and welcomed anything that a technical subcommittee could offer. Ms. Musgrove said that forming a technical subcommittee is an opportunity to revisit LORS as it was withdrawn from stakeholders just before full consensus could be met and recovery times is one of the areas that should be investigated further.

Drew Martin stated that he believes there is a need for technical oversight and additional analysis that might offer some insight into upper and middle subband flexibility. Mr. Martin said that there is a need for short-term solutions and there should be more sensitivity for the economic impact of not allowing additional releases to the Caloosahatchee where water is needed since failing to release water causes oyster die-offs which in turn creates a bigger economic impact including increased algal blooms. Mr. Martin disagreed with Mr. Collins by stating that releases will not affect water supply and more water could have been released to the Caloosahatchee last season. Mr. Martin maintained that protocols can always be tweaked because they are never perfect and more knowledge is gained each day. Mr. Martin said that there is no harm in additional review of LORS or Adaptive Protocols. Mr. Martin said more thought should be given to the economics of the estuaries as well as the economics of the Lake and agreed with Ms. Graham that the Lake must be maintained at a certain level and no one wants to see the Lake destroyed. Mr. Martin stated that he believes in the long-term Lake boundaries need to be looked at as one of the problems is the way the Lake was drawn when the berms were constructed cutting off some littoral zones. Mr. Martin concluded that he agreed with Mr. Kivett and the formation of a technical subcommittee is warranted.

James Evans, Director Natural Resources, City of Sanibel, thanked the District, on behalf of the City of Sanibel, for considering taking a look at operational flexibility and supports reevaluating AP. Mr. Evans stated that this year underscores the need for changes to AP and stated that since April the AP recommended cutting off water to the Caloosahatchee and fortunately the USACE was providing water to the Caloosahatchee at 650cfs until last week when the beneficial use subband was approached and the releases were reduced to 300cfs. Mr. Evans stated that salinity continues to trend upward in the upper portion of the estuary of 10psu which is the harm threshold for tape grass. Mr. Evans stated that there is a need to assess the AP particularly in a year that is expected to be very wet. Mr. Evans said that no other permitted users are being cut back or rationed in any way so there is a need to look at why recommendations are being made to cut off the Caloosahatchee when there seems to be plenty of water in the system. Mr. Evans recognized the need to evaluate the situation over many years and stated that impacts of high flows over many years needs to be looked as well. Mr. Evans said that impacts to water supply are being looked at but not impacts to estuaries in multiple or consecutive years on the high end.

Mr. Evans said that after seven years of waiting, the C-43 reservoir, as the prevention and water recovery strategy for the Caloosahatchee, has been approved in the Water Resources Reform and Development Act and anticipates beginning construction. Mr. Evans continued that an interim source is needed to provide fresh water to the Caloosahatchee since the only source is the Lake and stated that there is a need for adaptive management and additional operational flexibility. Mr. Evans said he is looking forward to the AP and the additional flexibility in the upper bands to provide fresh water whether it is through make-up water releases in the beneficial use subband to make decisions that make common sense.

Jane Graham closed by stating that Mr. Harclerode and Mr. Evans made compelling points and urged members to apply common sense to approaching the subject as discussions progress. Ms. Graham stated the question of “harm today vs. potential for risk two years from now” seems to be a recurring theme that needs to be understood better and urged more flexibility in these types of conversations. Ms. Graham stated that if there are tweaks that can be considered in the low and beneficial use bands or in the Adaptive Protocols, it would be a reasonable thing and if one part was going to be investigated, all parts should be evaluated with the understanding that a model can only go so far and there must be a human interpretation between the data produced on a chart and the decision.

**6. Overview of District Flood Control Operations and Wet Season Readiness - Jeff Kivett, Division Director, Operations, Engineering and Construction and Karen Estock, Division Director, Field Operations and Land Management, SFWMD**

Karen Estock provided WRAC members an Overview of District Flood Control Operations in preparation for this year’s wet season.

WRAC Member Comment

Mary Ann Martin asked if Route B on the Okeechobee waterway is navigable at the current Lake level. LTC Greco said he would need to research the exact depth and would respond to Ms. Martin later.

Mark Perry, asked for a status on the Bolles Canal as it may enhance operations during a storm event. Mr. Kivett stated that last month the Governing Board directed staff to mobilize and execute the project and staff has begun the design phase and is meeting with local stakeholders to ensure their needs are met in addition to securing their commitment to forming a working partnership through the provision of land, bridge consolidation or other resources. Mr. Kivett stated that the schedule is being completed and is estimated to take fifteen to eighteen months to get through the design and permitting stage. Mr. Kivett concluded that this project has become a priority and will alleviate some flooding conditions seen due to storms such as Isaac.

Commissioner Vana said that she was in the EOC at the county during Isaac and had an opportunity to experience the way the District works with the county responded and was amazed by the coordination. The Commissioner recalled the county’s concern with flooded canals and the danger of not being able to distinguish them during or after a storm and asked about guard rails and who might be responsible to install them. Mr. Kivett responded that the canals of concern are located in the Indian Trail Improvement District and stated that District canals were not at capacity during that particular event but was able to assist by mobilizing a mini pump to move water from their canal system into the primary conveyance system. Commissioner Vana

thanked the District and stated that the experience was a good example of how governments should work together.

#### Public Comment

None

### **7. Staff Reports**

Temperince Morgan updated the WRAC on the Water Resources Development Act passed in 2014. Ms. Morgan said the bill has been presented to the president and is scheduled for signature on Tuesday June 10th. Ms. Morgan outlined the four key projects authorized in the Act including: C-111 Spreader Canal Western, Biscayne Bay Coastal Wetlands, Broward County Water Preserve Areas, and the Caloosahatchee River (C-43) West Basin Storage Reservoir.

Len Lindahl, Assistant Executive Director, provided an update on the Impaired Waters Notice of Proposed Rule which is scheduled to go before the Governing Board in June.

Derek Brown, provided an update on SB846, Ethics and Lobbyist Registration, which passed during the 2014 state legislative session and will take effect on July 1, 2014. Mr. Brown informed members that the registration process is being developed by the Office of Counsel and would be made available to the public as soon as complete including a publication of a lobbyist database on the District's website.

### **8. General Public Comment**

Drew Martin requested that the District to provide guidance to the public on SB846 because many who address the District are unpaid or volunteers and have no legal representation to inform them of whether they fall into the lobbyist category. Mr. Martin stated that as the climate changes and sea levels rise the WRAC and other stakeholders need to look at flood protection measures. Mr. Martin said that there is a common assumption that the system can be drained, therefore wetlands are not being preserved as they should especially with expedited permitting processes that are allowing wetlands to be used for other purposes. Mr. Martin commented that the Broward County Commission recently approved the purchase of eleven acres of conservation wetlands called Metropica which was inhabited by Wood Storks. Mr. Martin expressed concern with the ability of County Commissions to make decisions that remove wetlands from the system and the possible resulting lack of lands to store excess flood waters that also serve to recharge the aquifers. Mr. Martin stated that he hopes the Governing Board begins to discuss these issues because the continued loss of wetlands in Florida's ecosystem is the most serious and pressing problem confronting water resource protection including the stormwater treatment

Commissioner Jacqui Thurlow-Lippisch, Town of Sewall's Point, stated that citizens of Martin County are educated and fully aware that tweaks to LORS will not fix the problem and that there needs to be a combination of solutions to address the issue. Commissioner Thurlow-Lippisch stated that the impacts of water releases, even though they have stopped, continue to affect daily life and the culture of the community. The Commissioner declared that everyone in the room must work to ensure fishable, swimmable, healthy water for children all over the state.

### **Final WRAC Member Comment**

Blake Guillory commented that the lobbyist registration process would be a coordinated effort between all five Districts to ensure state-wide consistency. Mr. Guillory noted the South Florida

Water Management District is not in a position that allows staff to provide legal advice to everyone that has a question, which is the reason the collaboration is ongoing between the Districts so that a standardized process is available to the public.

Bubba Wade requested that presentations include maps that show or identify the constraints that are being discussed as part of moving water south including: physical constraints, environmental constraints and ecological constraints. Mr. Wade commented that seeing the constraints might help members identify those that may be solvable.

Mike Collins said that one of the constraints in the C-111 project is the desire to hydrate the Park with agriculture and residents located right next to it. Mr. Collins stated that in 1993 the Florida Bay Initiative published a peer reviewed study on the possibility of constructing a curtain wall along the eastern edge of Everglades Park which would allow water levels in the Park to remain at higher levels, however federal interests did not allow the study to be presented to the Governor's Commission. Mr. Collins continued that rock miners have currently completed a couple of miles of curtain wall so there is actually a pilot project which validates some of the issues that were initially raised. Mr. Collins stated that currently there temporary pumps in the 332s that need to be evaluated for replacement with permanent pumps that are going to require fossil fuels to maintain current water levels and asked that the Florida Bay Initiative be allowed to re-present the original concept regarding curtain walls as a cheaper, more achievable goal to the WRAC for discussion and consideration as a more sustainable solution than to install permanent pumps in that location. Mr. Collins suggested that firm guidelines are needed regarding SB846 and lobbyist registration and if that guidance could be released prior to the July 1<sup>st</sup> effective date, it would help clarify the actions needed to be taken by those who meet with District staff regularly.

Mark Perry appreciated phosphorus limits presentation which led to a good discussion that needs to take place regarding system constraints of moving water south. Mr. Perry stated that the issue is now being widely discussed by numerous entities including the USACE, DOI and WMDs and the premise of moving water south begins with the stoppage of discharges coming from Lake Okeechobee to the estuaries and moving that water south.

Ray Scott, Florida Department of Agriculture and Consumer Services, stated that in the past WRAC members worked through an unconstrained system scenario exercise that removed water quality constraints and only considered physical constraints which might be good to find and discuss again.

Bubba Wade commented that moving dirty water from the north, through the Lake, releasing it south to be cleaned up and delivered to the Park is not the real solution and stated that the real problem is 4,500 sq mi of water going into a 700 sq mi lake which, at times, carries upwards of 200 ppb which is many times over the Total Maximum Daily Load. Mr. Wade suggested that if solutions had been sought to improve water quality north of the Lake prior to beginning work south of the Lake, perhaps more progress could have been made. Mr. Wade questioned what is going to be done north of the Lake to improve the quality of the large volumes of water being emptied there. Mr. Wade suggested that the focus be shifted to solving water quality and volume issues north of the Lake.

James Humble, Miami-Dade Agricultural Practices Advisory Board, stated that moving water south to the Park and dumping unwanted water on the rest of Miami-Dade is not a fair solution to South Dade. Mr. Humble said that one group of people should not be flooded because two other

groups of people do not want the water in their region. Mr. Humble stated that currently phosphorus levels are too high to distribute water to the Park so water is being distributed south through the L-31 which backs up on South Dade and hopes the flood protection presentation will also be heard by staff in South Dade as protection is needed in that area.

Newton Cook recalled the exercise conducted by the USACE on an unconstrained system which was based on thirty six years of operation with all CERP project components and Modified Waters project components completed. Mr. Cook said that the results showed a thirty percent reduction in discharges to the C-43 and C-44 so instead of massive releases taking place three times every six years, substantially damaging discharges would take place twice every six years which should be the true public expectation. Mr. Cook said that the system is operating exactly the way it was designed to perform when it was built and when excess water is coming through the system and there is a storm, the water is going to go east and west and ruin the estuaries. Mr. Cook noted that with some changes to the systems and implementation of projects, the occurrences could be reduced but not eliminated which will destroy the estuaries anyway. Mr. Cook stated that it must be said that nothing that is currently being planned will completely save the estuaries, although a sad situation, the projects will help but will not stop the occasional massive releases that damage the estuaries.

Mr. Moran followed-up Mr. Cook's comments by stating that not all discharges to the estuaries are from the Lake and there are existing issues with the region's watersheds and septic tanks.

## **9. Adjourn**

Mr. Moran announced that there is no July WRAC meeting due to the 4th of July holiday and a WRAC Recreational Issues Workshop scheduled at District headquarters on June 16th beginning at 5:00 pm. Mr. Moran informed WRAC members that the next monthly WRAC meeting is scheduled for August 7th at District headquarters.

The meeting was adjourned at 12:09 PM.