

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

February 27, 2024

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

TOC Representatives:

Julianne LaRock, TOC Chair, SFWMD
John Barkett, Special Master
Daniel Crawford, USACE

Lori Miller, LNWR
Edward Smith, FDEP
Donatto Surratt, ENP

Note: This meeting was conducted in person, online, and by phone, and was recorded by a court reporter. Copies of the transcript are available for purchase. Please contact Florida Court Reporting (561-689-0999) for more information. Handouts and presentations are available on the TOC website (<https://www.sfwmd.gov/our-work/toc>) and a recording of the meeting is available online at [SFWMDTV YouTube Channel – TOC Meeting February 27, 2024](#)

Note: Definitions of agency acronyms are provided at the end of the notes.

1. TOC Opening Business – Julianne LaRock, SFWMD

1A. Welcome, Announcements, and Identification of Participants

Julianne LaRock called the meeting to order and provided instructions for participating during the meeting discussions.

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

There were no requests to modify the agenda.

1C. Approval of Meeting Summary for December 5, 2023

The TOC approved the December 5, 2023, meeting summary with the correction of a typo on page 9, paragraph 2, line 8, where “TO” should be changed to “TP”.

Associated Online Documents:

- [Final Agenda for February 27, 2024](#)
- [Revised Draft Meeting Notes for December 5, 2023](#)

2. Settlement Agreement Quarterly Report, Third Quarter, July–September 2023 – Chelsea Qiu, SFWMD

Chelsea Qiu presented the Settlement Agreement Report for the Third Quarter 2023, July–September 2023, which includes results of surface water total phosphorus (TP) monitoring in the Arthur R. Marshall Loxahatchee National Wildlife Refuge (LNWR or Refuge), Shark River Slough (SRS), and Taylor Slough and Coastal Basins (TSCB). Each area has a unique TP compliance regime. Results for SRS were calculated using provisional flow data and are preliminary.

The Refuge evaluation is stage-based, with TP correlating inversely with the marsh stage on a monthly basis. The Refuge 14-station geometric mean TP values for July, August, and September 2023 were below the computed stage-based long-term levels (LTLs). All fourteen stations were sampled each

month of this quarter. The 36-month average TP geometric mean is 6.7 parts per billion (ppb), which is 2.5 ppb below the 36-month average LTL of 9.2 ppb.

SRS has a flow-based long-term limit that is inversely related to the 12-month total flow. Preliminary tracking results were presented for the 12-month periods ending in July, August, and September 2023. The provisional data show that TP flow-weighted mean concentrations (FWMC) for this quarter were higher than the flow-based LTLs. Specifically, the moving 12-month total flows ending in July, August, and September were consistently above 1,061 thousand acre-feet per year (kac-ft/yr), exceeding the flow range defined in Appendix A of the 1995 Consent Decree, triggering the lowest possible LTL of 7.6 ppb. Since implementing the Tamiami Trail Flow Formula (TTFF) as part of the Combined Operational Plan (COP) Water Control Plan (WCP)* in March 2021, there have been notable shifts in the 12-month tracking LTLs and FWMC patterns. The flow-based limit for the 12-month LTLs has consistently hovered around 7.6 ppb due to the 12-month flow persistently being near or above 1,061 kac-ft. Additionally, implementing TTFF has led to increased flow when headwater stage at S-333 is at or below 9.2 ft. The flow under this low stage has been identified as a cause elevating the 12-month FWMC. Consequently, the 12-month FWMC has increased and consistently exceeded the LTL. Moreover, the majority of the daily flows into SRS from the S12s were discharges from S12D and S12C because S12A and S12B are only open to discharge for 2.5 to 3.5 months of the 12-month flow period according to the COP WCP, unless a deviation is implemented.

TSCB has a fixed LTL of 11 ppb. Results for the 12-month tracking periods ending in July, August, and September 2023 were presented. TP FWMC values for TSCB continued to be less than half of the LTL (11 ppb), ranging from 4.5 to 4.8 ppb during the quarter.

Questions, Comments, and Discussion:

Donatto Surratt asked why there were only eight samples collected in the Refuge in November 2023, when the stage of 17.15 feet suggests the site was flooded and sampling should have been possible at all fourteen sites; Chelsea Qiu noted that the Refuge data are provisional and that she will look into it and follow up at the next TOC meeting.

Associated Online Documents:

- [Settlement Agreement Quarterly Report, Third Quarter 2023 \(July–September\), presentation](#)
- [Settlement Agreement Report, Third Quarter 2023 \(July–September\)](#)
- [Quality Assessment Report for Water Quality Monitoring, July–September 2023 \(Third Quarter\)](#)
- [Quality Assessment Report for Water Quality Monitoring, July–September 2023 \(Third Quarter\): Water Quality Data](#)
- [Arthur R. Marshall Loxahatchee National Wildlife Refuge Total Phosphorus \(TP\) Compliance Status as of Third Quarter 2023](#)
- [Provisional Shark River Slough Third Quarter 2023 Total Phosphorus \(TP\) Data Report](#)
- [Taylor Slough and Coastal Basins Third Quarter 2023 Total Phosphorus \(TP\) Data Report](#)

* <https://usace.contentdm.oclc.org/utls/getfile/collection/p16021coll7/id/15766>

3. Follow-up Discussion of Shark River Slough Exceedance for Federal Water Year 2021 and Federal Water Year 2022 – Julianne LaRock, SFWMD

Julianne LaRock briefly recapped the three questions from the 2016 memo, *Direction to TOC Representatives*, from the principals to the Consent Decree. In previous TOC meetings, the representatives addressed the first two questions, agreeing that relevant information had been sufficiently evaluated and exceedances in Federal Water Year (FWY) 2021 and FWY2022 were not the result of data error extraordinary natural phenomena. However, the TOC did not move on to question three, on whether additional remedies are recommended, in these instances. Given the activities, conclusions, and recommendations of the S333 working group regarding these water years, Julianne LaRock proposed that the TOC should not recommend any additional remedies for FWY2021 and FWY2022 at this time. Edward Smith seconded and indicated he believes that the recommendations of the working group and what has been presented by the principals will address the exceedances. Dan Crawford has consulted with Colonel Booth, agreed with the proposal, and is in full support of the path forward that was presented by the S-333 working group at the last TOC meeting. Therefore, the TOC representatives agreed unanimously that the activities of the working group will address the FWY2021 and FWY2022 exceedances and that no additional remedies are recommended from the TOC at this time.

John Barkett asked about the schedule for implementing phase 1 recommendations of the working group and funding availability; Jodie Hutchins, SFWMD and lead coordinator of the S-333 working group, responded that the initial engineering and maintenance solutions will be completed by FWY2025 (September 2025), and the monitoring and assessment plan will commence directly after that to see if there is any need for optimization. Data from that effort will be analyzed and reported to the principals annually for five years. Edward Smith confirmed that FDEP, working with SFWMD, has the resources to cover the phase 1 cost.

John Barkett requested that a status or progress report, perhaps in table form, be presented at TOC meetings going forward to keep the public informed of scheduled activities and the status of their completion—to show whether the outlined tasks are on schedule, funded, and being implemented.

TOC Action Item: Following John Barkett's request, at upcoming quarterly meetings the TOC will provide updates on the timing, funding, and implementation of the phase 1 S-333 working group recommendations related to the SRS exceedances of FWY2021 and FWY2022.

TOC Consensus: Representatives unanimously agreed that the TOC does not recommend any additional remedies for the SRS exceedances that occurred in FWY2021 and FWY2022.

Associated Online Documents:

- [Direction to TOC Representatives from Principals, February 2016](#)
- [Memo to TOC from Principals to the Consent Decree, November 2023](#)

4. Public Comment

Newton Cook – Expressed concern about water moving south from Lake Okeechobee and how it may increase with the Lake Okeechobee System Operating Manual (LOSOM).

Dr. Paul Julian, Everglades Foundation – Recommended the S-333 working group plan ahead for future exceedances that seem likely given the climatic forecast and conditions and asked where the working group's recommendations are posted for public access. Dr. Julian also asked if there has been any assessment of conditions in upper Taylor Slough to see if anything is changing as a result of the new

regime. Julianne LaRock confirmed that there has been work going on in Taylor Slough and encouraged participants to look at Volume I of the South Florida Environmental Report (likely Chapter 6) after it is published on March 1, 2024, for information on that. Julianne LaRock also explained that the S-333 working group recommendations are posted online in the TOC archive for the December quarterly meeting; SFWMD staff followed up with Dr. Julian after the meeting to provide the link: https://www.sfwmd.gov/sites/default/files/documents/S333_WG_Phase-1_Synthesis_Report_Sept2023.pdf.

5. TOC Closing Business – Julianne LaRock, SFWMD

TOC agreed to conduct the remaining 2024 quarterly meetings on June 25, October 1, and December 3.

Julianne LaRock adjourned the meeting.

Agency acronym definitions:

DOI – Department of Interior

ENP – Everglades National Park

FDEP – Florida Department of Environmental Protection

FWC – Florida Fish and Wildlife Conservation Commission

LNWR – Arthur M. Marshall Loxahatchee National Wildlife Refuge

NPS – National Park Service

SFWMD – South Florida Water Management District

USACE – United States Army Corps of Engineers

USEPA – United States Environmental Protection Agency